

MAINE STATE LEGISLATURE

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Legislative Record
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
31st Legislative Day
Tuesday, March 20, 2012

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

Prayer by Reverend Doctor Ann J. Broomell, St. Paul's Episcopal Church, Brunswick.

National Anthem by Matthew Larou, Rome.

Pledge of Allegiance.

Doctor of the day, William Atlee, M.D., Augusta.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 343)

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

March 19, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Brian D. Bolduc of Auburn to serve as Speaker Pro Tem to convene the House on Wednesday, March 21, 2012.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 342)

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

March 20, 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 16, 2012

Jack W. Witham of Arrowsic for appointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Thomas A. Urquhart of Falmouth for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Katharine Rand of Portland for appointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Peter Dawson of Hallowell for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Robert Tyler of St. David Ridge, New Brunswick for reappointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Ronald Green, Jr. of Plymouth for appointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA §151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Please be advised that pursuant to Title 3 MRSA, §154, Governor Paul R. LePage has withdrawn the nomination of Richelle R. Wallace for appointment as a member of the Board of Trustees of Dirigo Health, the nomination is currently pending before the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Linda McGill, of Freeport, an attorney and shareholder at Bernstein, Shur, Sawyer and Nelson, P.A., one of northern New England's largest law firms, who was named a Global Volunteer of the Decade by the International Senior Lawyers Project at its 10th Anniversary gala luncheon in New York City. This award honors individuals in the practice of law who have worked tirelessly and diligently to carry out the mission of the project, for which Ms. McGill has volunteered for 8 years. As part of her volunteer service, Ms. McGill has traveled to New Delhi, India, including a 5-month stay, to work with the Human Rights Law Network, one of the most significant human rights organizations in India. She is a member of Bernstein Shur's Labor and Employment Practice Group, as well as the firm's Municipal and Regulatory Practice Group. She teaches and trains extensively on human resources and employment law topics and has published numerous articles in that field. We extend our congratulations to Ms. McGill on her receiving this well-deserved and distinguished award and we send her our best wishes;

(HLS 1059)

Presented by Representative WEBSTER of Freeport.

Cosponsored by Senator GERZOFKY of Cumberland.

READ and PASSED.

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

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

REPORTS OF COMMITTEE
Change of Committee

Report of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Maine's Returning Veterans" (S.P. 645) (L.D. 1850)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "C" (S-427)** on Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes" (S.P. 252) (L.D. 849)

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Representatives:

BERRY of Bowdoinham
FLEMINGS of Bar Harbor
PILON of Saco

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 "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto.

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve,

Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

(H.P. 1300) (L.D. 1766)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-789)** on same Resolve.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

READ.

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

The Resolve was **READ ONCE**.

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** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1222) (L.D. 1613) Bill "An Act To Strengthen the Relationship between Land Users and Landowners" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

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

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

ENACTORS

Emergency Measure

An Act Concerning the Collection of Child Support Obligations (S.P. 549) (L.D. 1650) (C. "A" S-435)

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

Emergency Measure

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

(S.P. 630) (L.D. 1822)

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. 88 voted in favor of the same and 45 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act 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

(H.P. 1384) (L.D. 1870)

(H. "A" H-778)

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. 128 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.

Acts

An Act Concerning Solid Waste Facility Citizen Advisory Committees

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

(H. "A" H-786 to C. "B" H-772)

An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites

(S.P. 547) (L.D. 1648)

(C. "A" S-434)

An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles

(S.P. 604) (L.D. 1756)

(C. "A" S-446)

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

(S.P. 661) (L.D. 1884)

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, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

(S.P. 574) (L.D. 1675)

(S. "A" S-442 to C. "A" S-412)

Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to and from MaineCare Recipients for Transportation to and from MaineCare Services

(H.P. 1246) (L.D. 1694)

(C. "A" H-783)

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

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

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.

Resolve, Regarding Access to Eastern Road in Scarborough (PUBLIC LAND)

(H.P. 1340) (L.D. 1817)

(C. "A" H-770)

TABLED - March 19, 2012 (Till Later Today) by Representative DAVIS of Sangerville.

PENDING - **FINAL PASSAGE**. (Roll Call Ordered)

On motion of Representative VOLK of Scarborough, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-799)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-799)**.

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 Adoption of House Amendment "A" (H-799). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 258

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

NAY - NONE.

ABSENT - Bryant, Celli, Crockett, Dion, Flemings, Kent, McCabe, Stuckey.

Yes, 142; No, 0; Absent, 8; Vacant, 1; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 8 being absent, and accordingly **House Amendment "A" (H-799)** was **ADOPTED**.

Representative CURTIS of Madison **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-770)** and **House Amendment "A" (H-799)**.

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 Engrossed as Amended by Committee Amendment "A" (H-770) and House Amendment "A" (H-799). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 259

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

NAY - NONE.

ABSENT - Bryant, Celli, Crockett, Dion, Flemings, Kent, McCabe, Stuckey.

Yes, 142; No, 0; Absent, 8; Vacant, 1; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-770)** and **House Amendment "A" (H-799)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Last Thursday, I reserved the Welcome Center and the Hall of Flags for an event at the capitol. Unfortunately, miscommunications resulted in the organization hosting the press conference that I had reserved, directly conflicting with an event that the MS Society has organized in the Hall of Flags that afternoon. I just wanted to

recognize publicly on the floor that I apologize for that inconvenience. I genuinely feel very bad that the members of the MS Society left the capitol building that day feeling like they couldn't have expressed their concerns as they had wished.

I also just want to recognize that the Clerk of the House made sure that I was aware of the problem as soon as it happened and did everything she could to avoid the situation. Representative Morissette and Representative Bennett had both organized the event on behalf of the MS Society and the miscommunication was in no part based on their error. So I've shared those concerns with writing to the leadership of the MS Society and thank you all for letting me apologize on the House floor for that miscommunication. Thank you.

On motion of Representative VOLK of Scarborough, the House adjourned at 11:15 a.m., until 9:00 a.m., Wednesday, March 21, 2012.