

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
40th Legislative Day
Monday, April 2, 2012

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

Prayer by the Honorable Anne P. Graham, North Yarmouth.

National Anthem by Deb Sevee, Yarmouth.

Pledge of Allegiance.

Doctor of the day, Melanie Rand, D.O., Brunswick.

The Journal of Friday, March 30, 2012 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

(S.P. 252) (L.D. 849)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443) thereto in the House on March 27, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "E" (S-506)** thereto in **NON-CONCURRENCE**.

On motion of Representative KNIGHT of Livermore Falls, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 350)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

March 30, 2012

The 125th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 145, "An Act To Clarify and Streamline Foreclosure Proceedings."

If the title of this bill matched its substance, then I would have happily signed it. However, this law would not do anything to shorten the foreclosure process in the State of Maine, currently estimated at 420 days per case. Instead, it would add a new burden on our lenders to produce original copies of documents or swear under penalty of perjury why they are not able to. This will simply create more paperwork in the foreclosure process with little benefit for Maine people.

The length of our foreclosure process is due to our strong consumer protections, both in law and in the rules of the Judicial Branch through its diversion program. There are a number of safeguards that already exist both before and during foreclosure. I do not believe LD 145 will add meaningfully to those safeguards. We must keep in mind that every unnecessary delay in the foreclosure process will distort prices in our housing market. Every effort should be made to avoid foreclosure and help both borrowers and lenders find the best solution. However,

when it becomes clear that foreclosure is the only possible result, our system should move quickly rather than delay the inevitable. As members of the Legislature know, the vast majority of lenders in Maine - community banks, credit unions, and larger banks - play by the rules. Nevertheless, I understand why this bill was put forward. We have all seen the news coverage of the few who did not act fairly. Indeed, our Attorney General has recently come to settlement terms with some of them. If LD 145 sought to increase penalties for those who ignore our laws, then I could support it. As written, I cannot.

For these reasons, I am returning LD 145 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Clarify and Streamline Foreclosure Proceedings

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

(S. "A" S-426 to C. "B" H-721)

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I'd like to thank Representative Graham for that ecclesiastical reminder in her prayer this morning. Today is the day for us to show our fellow Mainers that we do love and care for them.

I came here to represent the people of Maine, as I'm sure all of you did. Most of you made the right decision on behalf of the people the first time on LD 145. This veto hurts too many Mainers. LD 145 was thoroughly and commendably vetted by the Judiciary Committee over a 15-month period. Both bodies of this Legislature overwhelmingly supported this bill and did the will of the people of Maine.

LD 145 will not delay a foreclosure proceeding for one second. It will speed it up. The national mortgagors have ignored and abused our Maine civil procedures which were designed to protect homeowners. This bill will weed out the bad actors and allow all legitimate foreclosures to move more swiftly through the courts. Please support the people who elected you by overriding this veto. How can we vote for the bill and then walk away from the people? Thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 284V

YEA - Beaudoin, Beavers, Beck, Beliveau, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Damon, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Fossel, Gilbert, Goode, Graham, Harlow, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nass, O'Brien, Parry, Peoples, Pilon, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

NAY - Ayotte, Beaulieu, Bennett, Black, Burns DC, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis,

Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Foster, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Haskell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nelson, Newendyke, O'Connor, Olsen, Parker, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Berry, Celli, Cornell du Houx, Cushing, Fredette, Harvell, Herbig, Lovejoy, Peterson, Rochelo, Tuttle, Weaver.

Yes, 69; No, 69; Absent, 12; Vacant, 1; Excused, 0.

69 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was Sustained.

The Following Communication: (H.C. 351)
2012 ME 49

OPINION OF THE JUSTICES
OF THE SUPREME JUDICIAL COURT
GIVEN UNDER THE PROVISION OF
ARTICLE VI, SECTION 3 OF THE MAINE CONSTITUTION
Docket No. OJ-12-2

QUESTIONS PROPOUNDED BY THE
MAINE HOUSE OF REPRESENTATIVES
IN A COMMUNICATION
DATED FEBRUARY 29, 2012
ANSWERED MARCH 29, 2012

STATE OF MAINE
In House 2/29/12

WHEREAS, it appears to the House of Representatives of the 125th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is a question within the House of Representatives as to what activities constitute engaging in trade or commerce within the meaning of the Constitution of Maine, Article V, Part Third, Section 3; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following questions of law:

Question 1. Does mere ownership of business interests or stock by the Treasurer of State constitute engaging in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader as such terms are used in the Constitution of Maine, Article V, Part Third, Section 3?

Question 2. If the answer to Question 1 is in the affirmative, would the Treasurer of State be engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader if the Treasurer of State did not manage or involve himself in the day-to-day activities of such business interests or stock?

Question 3. If it is determined that the Treasurer of State has engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader, does that finding affect or have an impact on the validity of the actions taken by the Treasurer of State in the performance of his official duties as

used in the Constitution of Maine, Article V, Part Third, Section 3?

OPINION OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

¶1 Pursuant to article VI, section 3 of the Maine Constitution, the House of Representatives asks us for an advisory opinion addressing questions related to the meaning of "engag[ing] in any business of trade or commerce, or as a broker, [or] as an agent or factor for any merchant or trader" in article V, part third, section 3 of the Maine Constitution.

¶2 After inviting input from the House of Representatives and any interested person, we received the following simultaneously filed briefs: one brief from eight members of the House of Representatives (Representatives Emily Cain, Terry Hayes, Mark Dion, Charles Priest, Sharon Treat, John Martin, Jon Hinck, and Maeghan Maloney), one brief from the Maine Attorney General, and one brief from the Maine Heritage Policy Center. Although allowed, no responsive briefs were filed. The Attorney General and the Maine Heritage Policy Center argue that no solemn occasion has been presented with respect to any of the three questions. The eight House members urge us to conclude that a solemn occasion exists as to the first question presented and a solemn occasion does not exist as to the second question presented. The eight house members express no position with respect to the third question presented.

¶3 For the reasons described below, we conclude that no solemn occasion has been presented on the three propounded questions.

I. AUTHORITY OF THE JUSTICES

¶4 When either house of the Legislature or the Governor requests an advisory opinion of the Justices, "we must first determine whether we have the constitutional authority to answer the questions." *Opinion of the Justices*, 709 A.2d 1183, 1185 (Me. 1997). "[O]pinions propounded pursuant to section 3, article VI of the Constitution of Maine are not binding decisions of the Supreme Judicial Court," but rather are opinions of the individual Justices. *Opinion of the Justices*, 673 A.2d 693, 695 (Me. 1996).

¶5 We provide advisory opinions only "upon important questions of law, and upon solemn occasions." Me. Const. art. VI, § 3. A solemn occasion arises "when questions are of a serious and immediate nature, and the situation presents an unusual exigency." *Opinion of the Justices*, 2004 ME 54, ¶ 3, 850 A.2d 1145 (citation omitted). The determination that a solemn occasion exists "is of significant import, and we will not find such an occasion to exist except in those circumstances when the facts in support of the alleged solemn occasion are clear and compelling." *Opinion of the Justices*, 2002 ME 169, ¶ 8, 815 A.2d 791. "[W]e will not answer questions that are tentative, hypothetical and abstract." *Id.* ¶ 6 (quotation marks omitted).

¶6 For a solemn occasion to exist, the question propounded must concern a matter of "live gravity" and "unusual exigency," which means that the body asking the question requires judicial guidance in the discharge of its obligations. *Opinion of the Justices*, 709 A.2d at 1185. Thus, we may answer a question if the body posing the question has serious doubts as to its own constitutional or statutory power and authority to take a necessary action. *Id.* In such circumstances, the matter must be "of instant, not past nor future, concern." *Id.* (quotation marks omitted).

A. The Questions

¶7 The House has posed two questions regarding the constitutional restrictions placed on a Treasurer of State by the Maine Constitution:

Question 1. Does mere ownership of business interests or stock by the Treasurer of State constitute engaging in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader as such terms are used in the Constitution of Maine, Article V, Part Third, Section 3?

Question 2. If the answer to Question 1 is in the affirmative, would the Treasurer of State be engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader if the Treasurer of State did not manage or involve himself in the day-to-day activities of such business interests or stock?

[¶8] In its third question, the House asks us to opine on the effects of the possible business-related conduct of a Treasurer on the validity of the official acts of the Treasurer while in office:

Question 3. If it is determined that the Treasurer of State has engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader, does that finding affect or have an impact on the validity of the actions taken by the Treasurer of State in the performance of his official duties as used in the Constitution of Maine, Article V, Part Third, Section 3?

B. Solemn Occasion

[¶9] With respect, we must conclude that, in the context before us, the propounded questions do not present a matter of live gravity or unusual exigency. The record contains no findings or adjudication regarding the nature of any alleged constitutional violation;¹ no facts have been presented to the Justices through the communication from the House of Representatives; the questions themselves are presented in the abstract and do not indicate the context in which they should be evaluated; and the record is silent with regard to the need for the discharge of any duties of the House of Representatives or the proposed commencement of any action by the Executive or Legislative Branch or any other governmental entities. *Cf. Opinion of the Justices*, 343 A.2d 196, 202-03 (Me. 1975) (answering question propounded by the Governor when a complaint had been filed that required the Governor's immediate determination whether to remove a District Attorney). Absent clear facts on which to opine, the questions present too broad a range of potential factual and legal possibilities. Given the procedural posture of this matter, we cannot conclude that an unusual exigency exists concerning a matter of live gravity. *See Opinion of the Justices*, 2004 ME 54, ¶ 3, 850 A.2d 1145; *Opinion of the Justices*, 2002 ME 169, ¶ 6, 815 A.2d 791; *Opinion of the Justices*, 709 A.2d at 1185.

¹ Although the *amicus curiae* brief submitted by eight members of the House of Representatives refers to certain facts and allegations, apparently drawn from the Attorney General's opinion, those facts and allegations are not presented with or within the House ORDER presented to us, and thus, we do not consider them in our analysis.

II. CONCLUSION

[¶10] No solemn occasion has been presented. We respectfully decline to answer any of the three questions presented.

Signed: March 27, 2012

S/Leigh I. Sauffley
Chief Justice
S/Jon D. Levy
S/Warren M. Silver

S/Andrew M. Mead
S/Ellen A. Gorman
S/Joseph M. Jabar
Associate Justices

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Commission on Governmental Ethics and Election Practices
Representative BEAULIEU for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1410) (L.D. 1906)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative BEAVERS of South Berwick, the following Joint Resolution: (H.P. 1411) (Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, 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, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFISKY 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, President RAYE of Washington, 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 MAY AS NATIONAL FOSTER CARE MONTH

WHEREAS, the foster care system in the United States provides for on average nearly 424,000 children each day who are unable to live safely with their biological parents, and in Maine, as of March 2012, there were 1,521 children from birth to 21 years of age in foster care; and

WHEREAS, foster parents are the most important caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support and education advocacy and families with foster parents are the most prevalent form of families providing permanent homes for children leaving foster care, through adoption or permanency guardianship; and

WHEREAS, most children who are removed from the care of their parents live with nonrelated foster parents; however, the number of children placed in relative foster care is growing and, in March 2012, one in 3 of all Maine children living in foster care were living in the homes of relatives; and

WHEREAS, children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stable placements, have more positive perceptions of their

placements, are more likely to be placed with their siblings and demonstrate fewer behavioral problems; and

WHEREAS, as of March 2012, there are 1,252 licensed homes in Maine providing reunification support, foster care, kinship care and preadoptive care; over 800 children entered the Maine foster care system during 2011; and 446 Maine children are waiting to be adopted or placed in permanency guardianship; and

WHEREAS, in fiscal year 2009, almost 57,000 children nationwide were adopted out of foster care, but the number of children "aging out" of foster care without finding a permanent family increased to nearly 29,500; and

WHEREAS, children aging out of foster care need and deserve a support system as they work to secure affordable housing, obtain health insurance, pursue higher education and acquire adequate employment; and

WHEREAS, nationally, close to 30,000 youth leave foster care annually with no permanent family, but in Maine only 127 youth left foster care in 2011 with no identified permanent family; and

WHEREAS, youth in foster care are much more likely to face educational instability, with 65% of former foster children experiencing at least 7 school changes while in foster care and an increased emphasis on prevention and reunification services would reduce the number of children in foster care; and

WHEREAS, federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980, the Adoption and Safe Families Act of 1997 and the Fostering Connections to Success and Increasing Adoptions Act of 2008, provided new investments and services to improve the outcomes for children in foster care; and

WHEREAS, state and local governments and child-serving agencies have also invested in child welfare services improvements in order to provide stable, permanent homes for children; and

WHEREAS, more work and investments are needed to provide the necessary services to these children, since foster children, like all children, deserve no less than a safe, loving and permanent home; and

WHEREAS, in 2011, 266 Maine children were adopted by relatives or foster parents and 61 children were placed in permanency guardianship, for a total of 327 children who found permanent homes; and

WHEREAS, it is important to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community and mentors and the positive effects they have on children's lives; 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 recognize May 2012 as National Foster Care Month, and to acknowledge that we support the goals and ideals of National Foster Care Month; and be it further

RESOLVED: That we honor the tireless efforts of those who work to improve outcomes for children in the child welfare system, we acknowledge the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care and we recognize the significant improvements to federal, state and local child welfare policy; and be it further

RESOLVED: That we reaffirm the need to work with existing federal programs to support vulnerable families, invest in prevention and reunification services, promote adoption in cases where reunification is not in a child's best interest, adequately serve those children brought into the foster care system and

facilitate the successful transition into adulthood for children who age out of the foster care system.

READ and **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Frank Johnson, of Augusta, on the occasion of his retirement as Executive Director of the Employee Health and Benefits division of the Department of Administrative and Financial Services. Mr. Johnson has worked for the State for 45 years, beginning as a Clerical Aide in the Department of Education. He continued his career in the Department of Transportation then in the Department of Labor where, in 1981, he started working in the Office Personnel/Employee Relations as Assistant to the Commissioner. In 1986, Mr. Johnson became Director of the Bureau of Employee Health. In 1996, he became Acting Executive Director of Health Insurance and later that year Executive Director of Employee Health and Benefits. We send Mr. Johnson our appreciation for his many years of dedicated service to the State and we congratulate him on his retirement;

(HLS 1117)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Senator KATZ of Kennebec, Representative MALONEY of Augusta, Representative BLODGETT of Augusta, Representative FOSTER of Augusta.

On **OBJECTION** of Representative CAIN of Orono, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-502)** on Bill "An Act To Rescue Children Who Are Being Sexually Abused and To Make Improvements to the Sex Offender Registry and the Investigation of Computer Crimes"

(S.P. 591) (L.D. 1731)

Signed:

Senators:

MASON of Androscoggin
GERZOFKY of Cumberland
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-503)** on same Bill.

Signed:

Representatives:

BURNS of Whiting
LONG of Sherman

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-502)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-502)** 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-502)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-860)** on Bill "An Act To Create the Maine Board of Tax Appeals" (**EMERGENCY**)

(H.P. 1291) (L.D. 1750)

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton
WEAVER of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-861)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-860)** 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" (H-860)** and sent for concurrence.

ENACTORS
Emergency Measure

An Act To Prohibit the Sexual Solicitation of a Child by any Means

(S.P. 572) (L.D. 1673)
(C. "A" S-504)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect Firearm Ownership during Times of Emergency

(H.P. 1377) (L.D. 1859)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation

(H.P. 1396) (L.D. 1893)
(C. "A" H-849)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act To Authorize the Registration of Farmland

(S.P. 548) (L.D. 1649)
(C. "A" S-500)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 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.

Acts

An Act Regarding the Collection of Fees for Prepaid Wireless Service

(H.P. 1326) (L.D. 1799)
(C. "A" H-846)

An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities

(H.P. 1342) (L.D. 1820)
(C. "A" H-852)

An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational

Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

(S.P. 637) (L.D. 1839)
(C. "A" S-497)

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 Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

(S.P. 669) (L.D. 1891)
(C. "A" S-489)

Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum

(S.P. 674) (L.D. 1898)
(C. "A" S-499)

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

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

Representative **HARVELL**: Had I been here for the Reconsideration motion of LD 145, I would have voted yea.

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

On motion of Representative CURTIS of Madison, the House adjourned at 10:53 a.m., until 3:00 p.m., Tuesday, April 3, 2012.