

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
 FIRST REGULAR SESSION  
 42nd Legislative Day  
 Wednesday, May 11, 2011

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

Prayer by Stephen Carnahan, High Street Congregational Church, Auburn.

National Anthem by Merimanders, Bates College, Lewiston.  
 Pledge of Allegiance.

Doctor of the day, Dustin Sulak, D.O., of Manchester.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 158)

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

May 11, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 1041 An Act To Simplify and Enhance Pest Control Notification

L.D. 1075 An Act To Prohibit Horse Slaughter for Human Consumption

L.D. 1145 Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of Certain Public Funds

Criminal Justice and Public Safety

L.D. 276 An Act To Enhance the Collection of Restitution for Victims of Crimes

L.D. 400 An Act Regarding County Jail Sentences of Less than 24 Hours

Education and Cultural Affairs

L.D. 817 An Act To Stabilize Short-term Funding of Public Kindergarten to Grade 12 Education (EMERGENCY)

L.D. 952 An Act To Amend the Laws Governing the School Revolving Renovation Fund

L.D. 1045 An Act To Encourage Better Grades for High School Students by Linking Grades with the Granting of a Driver's License

L.D. 1060 Resolve, To Require Regional School Unit No. 20 To Transfer Certain Property to the Town of Searsport

L.D. 1267 An Act To Amend the School Transportation Formula To Recognize One-way Bus Trips

L.D. 1273 An Act To Establish a 2-week Quiet Period for School Teams

Environment and Natural Resources

L.D. 154 An Act To Change the Classification of the Lower Androscoggin River

L.D. 156 An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act

L.D. 341 An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation

L.D. 434 An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws

L.D. 442 An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls

L.D. 888 An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances

L.D. 1156 An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons

L.D. 1185 An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products

L.D. 1328 Resolve, To Create a Working Group To Study the Subdivision Laws

L.D. 1390 An Act To Revise the Reporting Requirements for Oil Spills

Inland Fisheries and Wildlife

L.D. 56 An Act To Allow the Owner of Waterfront Property To Fish That Body of Water without a Fishing License

L.D. 458 An Act To Allow Certain Residents over 70 Years of Age To Obtain a Complimentary Antlerless Deer Permit

L.D. 1019 An Act To Make Changes to the Allocation of Revenue from Watercraft Registration

L.D. 1329 Resolve, To Study the Condition of the Landlocked Salmon in Maine and Make Recommendations To Improve Their Health

Insurance and Financial Services

L.D. 327 An Act To Permit Lenders To Exclude Government Insurance Fees When Determining whether a Loan Is a High-rate, High-fee Loan (EMERGENCY)

L.D. 355 An Act To Apply the Federal Truth in Lending Act in Maine

L.D. 783 An Act To Amend the Laws Governing Captive Insurance Companies

L.D. 934 An Act To Reform the Dirigo Health Program

L.D. 1354 An Act To Require a Person To Carry Liability Insurance on a Snowmobile

L.D. 1357 An Act To Exempt Certain Mortgage Loan Originators from Licensing

Judiciary

L.D. 427 An Act To Extend the Same Privileges to the Wesget Sipu - Fish River Tribe as Are Extended to Other Maine Indian Tribes

L.D. 655 An Act To Provide Tribal Representation in the Senate

L.D. 665 An Act To Limit Claims of Exempt Property

L.D. 785 An Act Relating to Identification of Service Animals (EMERGENCY)

L.D. 988 An Act Concerning Immunity for School Administrative Units in the Discharge of Their Responsibilities

L.D. 1053 An Act To Impose a Mandatory Minimum Award in Small Claims Actions

L.D. 1353 An Act To Amend the Discovery Rule Laws Labor, Commerce, Research and Economic Development

L.D. 457 An Act To Provide a Livable Wage for Maine Families

L.D. 698 An Act To Bring Wage Equity to the Workplace

- L.D. 863 An Act To Allow the Maine State Housing Authority To Prepurchase Oil for the Low-income Home Energy Assistance Program
- L.D. 994 An Act To Promote Responsible Business Practices through a Livable Wage
- L.D. 1346 An Act To Enhance Access to the Workplace for Minors
- L.D. 1450 An Act To Enforce Wage Laws
- L.D. 1475 An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories (EMERGENCY)
- Taxation
- L.D. 119 An Act To Allow a Tax Credit for Students Enrolled in Postsecondary Nondegree Programs
- L.D. 423 An Act To Eliminate Maine's Estate Tax
- L.D. 577 An Act To Limit Taxes on Hospitals
- L.D. 745 An Act To Encourage the Use of Reusable Bags
- L.D. 875 An Act To Provide an Incentive for Unemployed Persons To Become Self-employed (EMERGENCY)
- L.D. 898 An Act To Reform the Maine Estate Tax
- L.D. 1097 An Act To Amend the Laws Governing the Real Estate Transfer Tax
- L.D. 1216 An Act To Impose an Excise Tax on the Extraction of Water for Bottling
- L.D. 1350 An Act To Provide Income Tax Relief
- L.D. 1369 An Act To Simplify the Maine Income Tax Law
- Transportation
- L.D. 1319 An Act To Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles
- L.D. 1330 Resolve, To Expand Commuter and Passenger Rail Transportation in Maine
- L.D. 1381 An Act Regarding the Requirement That Construction Equipment Have a License Plate
- L.D. 1405 An Act To Amend the Laws Restricting Advertising on Public Ways

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,  
S/Heather J.R. Priest  
Clerk of the House

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs" (H.P. 1147) (L.D. 1562)

Sponsored by Representative BERRY of Bowdoinham.  
Cosponsored by Representatives: Speaker NUTTING of Oakland, ROTUNDO of Lewiston, WEBSTER of Freeport.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Regulate the Licensing and Oversight of Professional Investigators" (H.P. 1148) (L.D. 1563)

Sponsored by Representative BURNS of Whiting.  
Cosponsored by Senator KATZ of Kennebec and Representatives: HASKELL of Portland, LAJOIE of Lewiston, PLUMMER of Windham, Senator: GERZOFISKY of Cumberland.

Bill "An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder" (H.P. 1150) (L.D. 1565)

Sponsored by Representative CELLI of Brewer.  
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: COTTA of China, CROCKETT of Bethel, FOSSEL of Alna, HASKELL of Portland, HINCK of Portland, KESCHL of Belgrade, LOVEJOY of Portland, ROSEN of Bucksport.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

Bill "An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc." (H.P. 1149) (L.D. 1564)

Sponsored by Representative CLARK of Millinocket.  
Cosponsored by Senator THOMAS of Somerset and Representatives: BEAVERS of South Berwick, DAVIS of Sangerville, DION of Portland, HINCK of Portland, MARTIN of Eagle Lake, Senators: JACKSON of Aroostook, MARTIN of Kennebec, SHERMAN of Aroostook.

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

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

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

Sent for concurrence.

Bill "An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising" (EMERGENCY) (H.P. 1151) (L.D. 1566)

Sponsored by Representative DAMON of Bangor.  
Cosponsored by Representatives: FOSTER of Augusta, MAKER of Calais, O'CONNOR of Berwick, PARKER of Veazie, RIOUX of Winterport, SIROCKI of Scarborough, TURNER of Burlington, WINTLE of Garland.

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure Fair Business Competition in Agriculture" (H.P. 1153) (L.D. 1568)

Sponsored by Representative CURTIS of Madison.  
Cosponsored by Senator THIBODEAU of Waldo and Representatives: CRAY of Palmyra, CUSHING of Hampden, FITTS of Pittsfield.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative HERBIG of Belfast, the Bill was **REFERRED** to the Committee on **AGRICULTURE**,

**CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

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**ORDERS**

On motion of Representative MAKER of Calais, the following Joint Resolution: (H.P. 1152) (Cosponsored by President RAYE of Washington and Representatives: GIFFORD of Lincoln, JOHNSON of Greenville, McCLELLAN of Raymond, ROTUNDO of Lewiston, TREAT of Hallowell, TURNER of Burlington, VOLK of Scarborough, Senator: SHERMAN of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES TRADE REPRESENTATIVE REGARDING STATES' RIGHTS IN FUTURE INTERNATIONAL TRADE POLICY**

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

WHEREAS, Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy; and

WHEREAS, 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 that can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and its regulatory authority; and

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

WHEREAS, the current process of consultation with states by the Federal Government on trade policy fails to provide a way for states to meaningfully participate in the development of trade policy, despite the fact that trade rules could undermine state sovereignty; and

WHEREAS, under current trade rules, states have not had channels for meaningful communication with the United States Trade Representative, as both the Intergovernmental Policy Advisory Committee on Trade and the state point of contact system have proven insufficient to allow input from states and states do not always seem to be considered as a partner in government; and

WHEREAS, the President of the United States, the United States Trade Representative and the Maine Congressional Delegation will have a role in shaping future trade policy legislation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that future trade policy include reforms to improve the process of consultation between the Federal Government and the states; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek a meaningful consultation system that increases transparency, promotes information sharing, allows for timely and frequent consultations, provides state-level trade data analysis,

provides legal analysis for states on the effect of trade on state laws, increases public participation and acknowledges and respects each state's sovereignty; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Federal Government reform the system of consultation with states on trade policy to more clearly communicate and allow for states' input into trade negotiations by allowing a state to give informed consent or to opt out if bound by nontariff provisions in a trade agreement and by providing that states are not bound to these provisions without consent from the states' legislatures; to form a new nonpartisan federal-state international trade policy commission to keep states informed about ongoing negotiations and information; and to provide that the United States Trade Representative communicate with states in better ways than the insufficient current state point of contact system; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that state laws that are subject to trade agreement provisions regarding investment, procurement or services be covered by a positive list approach, allowing states to set and adjust their commitments and providing that if a state law is not specified by a state as subject to those provisions, it cannot be challenged by a foreign company or country as an unfair barrier to trade; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress fund a center on trade and federalism to conduct legal and economic policy analysis on the effect of trade and to monitor the effectiveness of trade adjustment assistance and establish funding for the Department of Commerce to produce state-level service sector export data on an annual basis, as well as reinstate funding for the Bureau of Economic Analysis's state-level foreign direct investment research, both of which are critical to state trade offices and policy makers in setting priorities for market selection and economic impact studies; 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 United States Senate, to the Speaker of the United States House of Representatives, to the United States Trade Representative Ambassador Ron Kirk and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands" (EMERGENCY)

(S.P. 230) (L.D. 738)

Signed:

Senator:

THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou

BLACK of Wilton

CRAY of Palmyra

DILL of Old Town

FOSTER of Augusta

GIFFORD of Lincoln

McCABE of Skowhegan

O'BRIEN of Lincolnville  
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)** on same Bill.

Signed:

Senators:

SHERMAN of Aroostook  
SCHNEIDER of Penobscot

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-49)**.

**READ.**

On motion of Representative EDGECOMB of Caribou, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)** on Bill "An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan"

(S.P. 200) (L.D. 619)

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  
NELSON of Falmouth  
RANKIN of Hiram

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland  
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-64)** Report.

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-64)**.

**READ.**

Representative RICHARDSON of Carmel moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative RICHARDSON of Carmel to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Medical Records To Contain an Option Regarding HIV Status Disclosure"

(S.P. 179) (L.D. 596)

Signed:

Senators:

McCORMICK of Kennebec  
FARNHAM of Penobscot

Representatives:

FOSSEL of Alna  
MALABY of Hancock  
O'CONNOR of Berwick  
SANDERSON of Chelsea  
SIROCKI of Scarborough  
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)** on same Bill.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland  
EVES of North Berwick  
PETERSON of Rumford  
SANBORN of Gorham

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

**READ.**

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71)** on Bill "An Act To Permit Senior Citizens To Designate a 3rd Party To Receive Notice of Cancellation of Insurance Policies"

(S.P. 93) (L.D. 313)

Signed:

Senators:

WHITTEMORE of Somerset  
BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford  
BECK of Waterville  
FITZPATRICK of Houlton  
GOODE of Bangor  
MORRISON of South Portland

TREAT of Hallowell

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

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-71)**.  
**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-71)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 12, 2011.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding for the State Transit, Aviation and Rail Transportation Fund"  
(S.P. 180) (L.D. 597)

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

GILLWAY of Searsport

HOGAN of Old Orchard Beach

PARRY of Arundel

RIOUX of Winterport

THERIAULT of Madawaska

WILLETTE of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-78)** on same Bill.

Signed:

Senators:

COLLINS of York

THOMAS of Somerset

Representatives:

CEBRA of Naples

MAZUREK of Rockland

PEOPLES of Westbrook

ROSEN of Bucksport

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

On motion of Representative CEBRA of Naples, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Sale of Raw Milk"  
(H.P. 292) (L.D. 366)

Signed:

Senators:

SHERMAN of Aroostook

SCHNEIDER of Penobscot

THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou

BLACK of Wilton

CRAY of Palmyra

DILL of Old Town

FOSTER of Augusta

GIFFORD of Lincoln

TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)** on same Bill.

Signed:

Representatives:

KENT of Woolwich

McCABE of Skowhegan

O'BRIEN of Lincolnville

**READ.**

Representative EDGECOMB of Caribou moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand before you today to ask you to vote no on the pending motion and support the Minority Ought to Pass as Amended Report.

LD 366, as amended, restores a narrow exemption to milk licensing laws that allows Maine farms to sell raw milk to consumers without a license under certain conditions. The sale must be made on farm premise and the amendment adds an informative labeling requirement. This was a common legal practice in Maine until 2009 when, during a reorganization at the Department of Agriculture, a decision was made that all farms selling milk to consumers fell under the definition of a milk distributor, requiring licensing and inspection, and, in many cases, a significant investment in facilities.

Please note that this was a bureaucratic, not a legislative decision, and was not connected to any incident of foodborne illness. The Department of Agriculture fixed a problem that did not exist and caused financial hardship for many small farms. This change means that a wholesale dairy that sells a few gallons of milk from their bulk tank on the honor system is breaking the law. It means that your neighbor with a few goats cannot legally sell you her surplus milk. Is that the message we want to send to Maine farmers and consumers?

Many of my new friends across the aisle have been talking the talk of removing excessive regulations. Here is a chance to walk the walk. Reject the Majority Report so we can pass this bill as amended by the committee and let farmers and consumers

conduct business as they had been doing without incident up until the bureaucracy decided that was no longer acceptable. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition of the pending motion. Fear, fear is what's driving much of this legislation this session. In this case, we are fearing what the FDA and the USDA may do, yet again the Federal Government is pushing down on this state and saying you must regulate.

I encourage all the members in the House today to vote against the pending motion so that we can take up the Minority Report, which is an amendment of the original bill, and we can discuss further if hopefully this motion fails. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition of the pending motion.

Throughout my campaign and throughout my district, I have heard from many self-sustaining farmers who want the ability to sell raw milk to their neighbors or farmers markets. Currently, they can't do that because they have licensing requirements and then after those licensing requirements, there is existing regulations that hamper them on their free market ability.

The growing demand from consumers to have more access to purchasing raw milk or organic milk, I see this bill as an opportunity to be more business friendly to small family oriented businesses and farms, to eliminate excessive regulation as well as letting the free market work for Maine citizens and consumers. I urge this body to vote Ought Not to Pass on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill keeps in place the laws that we have now that are designed to provide inspection and licensing of our raw milk producers. It's designed to protect the safety for our children and the adults in our state and we need to do that for them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Garland, Representative Wintle.

Representative **WINTLE**: Thank you, Mr. Speaker. I rise to agree with Representative Kumiega and Ryan. It's a business friendly bill. It allows farmers to peddle their own product, just as we have for centuries in this country.

I personally don't know of anybody that has ever died from drinking raw milk. I drank a lot of it, I should have died, and I don't know anybody that has ever gotten sick from it. You know, a few people have complained about diarrhea, but I don't guess that would kill you either. But I'd tell you that it's a business friendly bill and we should support it. Follow Ryan's light, follow mine.

The SPEAKER: The Chair would remind that Members, when they are referring to another Member of this House, that they refer to them in a manner such as Representative Harmon.

The Chair advised all members that it is inappropriate to refer to another Member of the House as anything other than Representative.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. I would bring the information to my colleagues of the House and other friends, I would bring information to you from my district. Three towns in my district voted for local food ordinances in the

past town elections this year, which covers, amongst other things, raw milk, in order to sell direct from a farm to a consumer. It's a movement that I see spreading across the state and I fully support my seatmate, Representative Kumiega, in opposing the motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you as a farmer who hates regulation probably more than anybody in here, but I also have experienced the outcry of this when something bad happens by an inconspicuous farmer that doesn't know what's going to happen.

We had an outbreak with cider, not on raw milk, but in cider in Connecticut a few years ago. It cut our cider production by over 50 percent for about two or three years before we got back because of the scare that it put on people.

This bill of Ought Not to Pass doesn't prevent anybody from selling raw milk. It lets it continue being sold. The only requirement is they've got to get a \$25 license and get a sanitary inspection and they get their milk tested a couple times of year, all for the \$25. This is to protect the farmers of the State of Maine.

The dairy industry spoke against this bill. A lot of dairy people came up. It is to protect the raw milk industry we have in the State of Maine. We really need to vote this Ought Not to Pass and let raw milk be sold and continue to be sold in the State of Maine as it is today. We're not stopping the free market. They just have to comply by a couple of regulations and I hate regulations, but this is the way we have to go in order to preserve farming in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As is often the case, I'm caught between the free market system and an effort to make sure things are safe for consumers. So I would like to pose a question through the Chair to anyone who may be able to answer it.

The SPEAKER: The Representative may pose his question.

Representative **BURNS**: Thank you, Mr. Speaker. I understand that this bill would require some minimal things such as a \$25 license, three stainless steel sinks, and at least two annual inspections. Are there any types of restrictions on farmers who choose not to go under this guideline, any type of cleanliness, if they choose just to sell out of their own farm? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Whiting, Representative Burns, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. The current motion does not address the question that was asked, but in the amendment, if this should fail, it would be answered.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To me, you may – well, I'll say first, you may ask why is a mattress salesman getting to speak up about raw milk, what do I know about it? But to me this isn't a fear issue, it's a safety issue. But not only is it a safety issue, but therefore it's a quality issue, and to me we ought to be promoting the fact that Maine farm milk is not only safe, but it is a Maine product and we want to promote quality, and we want our people coming into the state as well as the people that

are here to feel safe when they take a drink of any product that is consumable in this state. Therefore, I support this Ought Not to Pass majority position and I will be voting such. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to rise one more time for you to go over some fine points. The state of Vermont enacted legislation like this a couple years ago. They have not had one single problem. As a matter of fact people love to buy raw milk. There is a growing demand for organic, and why do we want to regulate?

What this bill also, if passed, does, it keeps the status quo, whereas if I'm a farmer and I want to go down to a couple of neighbors down from my house and they ask for a bottle of milk to drop off and I charge them \$2, I can't do that. That's illegal. That's what the status quo is. We need to change that. This is for self-sustaining communities, self-sustaining farmers, who not always have all these things that the regulations are keeping in place.

The next point I need to make, all regulations that we place as a state government always have to do with safety, and at some point we need to say "How much safety is enough?" because we can regulate everything. We can go to a full society of total one hundred percent regulation in the name of safety and we need to keep that in mind. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise before you today to ask you to support the Majority Ought Not to Pass.

I am a cosponsor of the bill and since we had the public hearing and looked into it, there were a lot of concerns that were raised from the dairy industry. We are able to sell raw milk today. Many farms do sell raw milk and they are the farms that are being inspected already. We have laws in place to protect us at this point in time.

The big concern, being a past dairy farmer myself, being raised on raw milk, my children being raised on raw milk, I support the intent of this bill, but I do not support the lack of inspections and just minor regulations that would require these places to be inspected and so I urge you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative O'Brien.

Representative **O'BRIEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you in opposition to the motion on the floor. I understand the concerns of the dairy industry on this issue, but it's really for small, little self-sustaining farms, the like one the Representative from Palermo, Representative Harmon, mentioned.

I grew up on one of these small farms with one Jersey cow which we milked every day and, 25 years, sold right out of the back of a refrigerator, and then this rule came along from the department. You know, we would just throw out the milk if we weren't able to consume it ourselves. It was just for our neighbors. This bill does not, it says that the warning has to be placed on the milk, that it's not inspected, and the producer cannot put up a sign. But it's just to sell to their neighbors, the milk that is leftover. So I hope you will vote down this motion and support a better one. So thank you.

The SPEAKER: The Chair recognizes the Representative from Garland, Representative Wintle.

Representative **WINTLE**: Thank you again, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with

Representative McCabe from Skowhegan and Representative Harmon about the safety issue specifically.

I remember I washed my hands and washed the udders of that cow with a sponge. I remember that all of that milk was strained through mesh. There was a whole bunch of iodine around. I remember the smell of iodine.

And as far as the \$25, which seems a small fee, it is. It's \$25. Most of us could afford \$25 plus the insurance gig. What that reminded me of is when I went through a very ugly divorce, the attorneys loved the idea there could be a \$1 alimony, and I was smart enough to figure that out. That if that \$1 could turn into some pretty good magic anytime she wanted to take me back to court, you let the camel's nose get under the tent, brother, you're going to be in trouble.

Here's something that I would just like to share again with the House at large. If your name is on a bill that it shouldn't have been, that shouldn't be the reason that you choose not to do the right thing. I've screwed up a couple times as a freshman, had my name on things I learned in a hurry that, gee, I shouldn't have done that. So show a little courage, a little intellectual courage, and we'll all do the right thing. Let's have some raw milk. I ain't dying.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion. I truly believe that this is mainly a safety issue, that when we had the discussion on this, it was more from the university, the Department of Agriculture and the problems that could occur with raw milk.

I would agree with most of my colleagues who said, at this point, we have not had any problems, but all we need is that one case to kill the whole issue for the whole State of Maine. So again, I urge you to vote in favor. This is a safety issue. Right at the moment the question was asked, there are no standards if you are a small operation and do not have a license. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hesitated to tell you this, but the University of Maine Food Service and Science and Human Nutrition Department has reported to us in the committee that in 2007, five people contracted Listeria, it is a serious infection, and three people died from drinking milk processed from a Massachusetts dairy facility. Two women experienced pregnancy issues, which included a premature birth and a stillbirth.

In 1983, there were two separate outbreaks that caused a total of 57 people to be ill from drinking raw milk. In 2010, 13 Michigan citizens were sick after drinking raw milk contaminated with bacteria from an Indiana dairy. In 2010, several outbreaks were linked to the consumption of raw milk and this is in the State of Washington and Minnesota. In 2002 and 2003, a multi-state, from Ohio, Illinois, Indiana, and Tennessee, the outbreaks of salmonella occurred and 62 people were ill. I could go on with this list.

But it is true that in the State of Maine, there have been no reported outbreaks from raw milk consumption in the past five to 10 years. But they attribute that largely to the dairy inspection that takes place in our state, that provides guidance to these folks, and the sanitation and the regulations for good agricultural practices that our farmers should be using. That was the purpose of the inspection. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SHAW**: Thank you, Mr. Speaker. My question is the small farmer, in regards to obtaining the permit, what sort of infrastructure would they need to buy or have to pass the inspection and get the permit? Thank you.

The SPEAKER: The Representative from Standish, Representative Shaw, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. My understanding with speaking to the Department of Agriculture, it is a very minimal requirement. A three bay sink, a hand wash sink, and hot water of some sort to get the water up to a certain temperature, and I think it is 180 degrees, but don't hold me to that. It is a very minimal expense and it doesn't have to be all new, it can be used.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Just to elaborate on the good Representative Timberlake's comments, the other requirements would also have to do with the facility's floor, I believe, and one of the issues that several of the farmers that came in opposition were concerned about was the need for a concrete floor and that their wooden barn would no longer pass the inspection. I also wanted to elaborate and just let folks know that the most recent food recall was actually tomatoes. That was a salmonella outbreak.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 34**

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bickford, Black, Blodgett, Bryant, Burns DR, Cebra, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Edgcomb, Eves, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Goode, Hamper, Herbig, Hogan, Hunt, Keschl, Knapp, Knight, Long, Maker, McFadden, McKane, Morissette, Moulton, Nass, Olsen, Parry, Peoples, Picchiotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rosen, Russell, Sanborn, Sanderson, Sarty, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Valentino, Volk, Weaver, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beavers, Beliveau, Bennett, Berry, Boland, Bolduc, Briggs, Burns DC, Cain, Carey, Casavant, Chapman, Dill C, Dion, Duchesne, Dunphy, Eberle, Espling, Flemings, Gilbert, Gillway, Graham, Guerin, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Hinck, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, Morrison, Nelson, Newendyke, O'Brien, O'Connor, Parker, Peterson, Pilon, Rochelo, Rotundo, Shaw, Sirocki, Stuckey, Theriault, Treat, Tuttle, Wagner R, Waterhouse, Webster, Wintle, Wood.

ABSENT - Celli.

Yes, 80; No, 70; Absent, 1; Excused, 0.

80 having voted in the affirmative and 70 voted in the negative, with 1 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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 William E. Maxwell, of Waldoboro, on his being selected to receive the Community Citizen Award by the Meenahga Grange

(HLS 261)

TABLED - April 26, 2011 (Till Later Today) by Representative DOW of Waldoboro.

**PENDING - PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Every town in Maine and every city should be thankful for the people that come forward and volunteer and all the services that take place in our communities. They are the people that man volunteer fire departments, they participate in all the local organizations, they become our coaches of our sports teams and, later on, president to those organizations, and we owe a great deal of debt to all those people that serve us, most of the time without any pay or recognition. I am happy to have such a volunteer which the Meenahga Grange recognizes as a super volunteer, someone you always see around town during events, whether it is the Fourth of July parade, Memorial Day parade, Waldoboro Day parade, at the ball fields, wherever. This individual is here.

I am also very happy to say that he is an employee of mine and it gives me even much more pleasure. I have known the individual for a long time, probably he has known me longer than he would want to admit, and as a typical volunteer, he stationed himself way back in the back corner because they don't always like anybody to know that they're volunteers. They just want to do it and get on without the fanfare. He is accompanied today by his mother Rebecca "Becky" Maxwell, who is also another volunteer. She is chairman of the selectperson board in town, and so I guess growing up in a house of volunteers you become a volunteer. It is my pleasure to have him here today and accept this award, William "Billy" Maxwell.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-205)** on Bill "An Act To Extend the School Year"

(H.P. 10) (L.D. 18)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

EDGECOMB of Caribou

JOHNSON of Greenville

LOVEJOY of Portland

McFADDEN of Dennyville

NELSON of Falmouth

RANKIN of Hiram

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

Signed:

Senators:

LANGLEY of Hancock  
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel  
MAKER of Calais  
McCLELLAN of Raymond  
WAGNER of Lewiston

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-205)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 12, 2011.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, Directing the Department of Education To Amend Its Rules Pertaining to the Statute of Limitations for Filing a Due Process Hearing Request Regarding Special Education

(H.P. 492) (L.D. 662)

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 Dennyville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)** on same Resolve.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve,

To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures

(H.P. 517) (L.D. 688)

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 Dennyville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)** on same Resolve.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

Representative RICHARDSON of Carmel 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.

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Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"

(H.P. 812) (L.D. 1077)

Signed:

Senators:

THIBODEAU of Waldo  
BARTLETT of Cumberland  
RECTOR of Knox

Representatives:

FITTS of Pittsfield  
BEAVERS of South Berwick  
CRAY of Palmyra  
DION of Portland  
DUNPHY of Embden  
HAMPER of Oxford  
HINCK of Portland  
LIBBY of Waterboro  
LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:  
Representative:  
CORNELL du HOUX of Brunswick

**READ.**

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

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited"

(H.P. 909) (L.D. 1218)

Signed:  
Senators:  
LANGLEY of Hancock  
SULLIVAN of York

Representatives:  
WEAVER of York  
BELIVEAU of Kittery  
CHAPMAN of Brooksville  
KNAPP of Gorham  
KRUGER of Thomaston  
KUMIEGA of Deer Isle  
MacDONALD of Boothbay

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:  
Senator:  
SNOWE-MELLO of Androscoggin

Representatives:  
OLSEN of Phippsburg  
PARRY of Arundel  
TILTON of Harrington

**READ.**

Representative WEAVER of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Mr. Speaker, I guess I should re-explain this. The title is not what this bill is all about. This is, and I will let her speak for herself, Representative Chase's bill, and she wanted a definition of recreational clam flats. The bill, as written, did not have that and that is why it is Ought Not to Pass and that is where it stands.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 35**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DR, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill C, Dill J, Dion, Dow, Driscoll,

Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, Morissette, Morrison, Nass, Nelson, Newendyke, O'Brien, O'Connor, Parker, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Burns DC, Chase, Clark T, Harmon, Johnson P, McFadden, McKane, Moulton, Olsen, Parry, Rioux, Tilton.

ABSENT - Ayotte, Celli.

Yes, 137; No, 12; Absent, 2; Excused, 0.

137 having voted in the affirmative and 12 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives

(H.P. 33) (L.D. 40)

Signed:  
Senators:  
THOMAS of Somerset  
COLLINS of York  
SULLIVAN of York

Representatives:  
COTTA of China  
BOLAND of Sanford  
CASAVANT of Biddeford  
GRAHAM of North Yarmouth  
MOULTON of York  
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)** on same RESOLUTION.

Signed:  
Representatives:  
BOLDUC of Auburn  
HARVELL of Farmington  
KAENRATH of South Portland

**READ.**

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you'll notice today that when we vote, we hit a switch and a light lights up. Picture it as 1840 and the time it actually took to take a vote in this chamber, as individually the Speaker or the Clerk would call off your name and ask how you had voted. I say that because

the only thing that has outstripped government growth in civilization's history is technology. Now from this chamber not only can we vote automatically, we can email our constituents with a cell phone, we can step around the corner and talk to them.

In 1840, there were eight congressmen in this state. There are now two. What is funny is last year when we ran the same bill, to listen to the new math I heard, that those in rural areas and those in urban centers both argued that they would be disproportionately affected, when in fact since the 1960s we've had proportional representation. Getting my head around that, I still haven't done it. I thought I was going to explode. The reality is that our ability to do things today is far greater than it was 170 years ago, and in 170 years the people of this state have not even had the chance to weigh in about what they think about the size of this Legislature. Should it be bigger or should it be smaller? The only way they get a chance is if we, here today, give them their chance. We take all kinds of chances from them every day. We ask them to do more with less.

Where I work at Verso Paper, when I started working there, there were six people in my department and we put out 180 tons. We do over 300 now with four. Why, because of technology. The technology that we have today means we can do this better than they could in 1840. I ask you to vote against the measure and I am requesting a roll call.

Representative HARVELL of Farmington **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Ought to Pass Report. When I campaigned I heard from many of my constituents, or future constituents, that this was an important issue for them, that we needed to be more effective and efficient in the Legislature, and that we needed to decrease the size of the Legislature.

On the State and Local Government Committee, we were faced with four separate bills with all different ways to decrease our size of the Legislature, and, quite honestly, I couldn't pick from each one. They were brought forth by my esteemed colleagues Representative Carey, Representative Hinck, and Representative Harvell. So my feeling was that we needed to clearly pay attention to this issue, but we needed to do it in a more thoughtful way.

I recognize in the past we have suggested commissions/committees to study this, and my feeling is that we need to do a good job and really pay attention and maybe bring forth a bill in the next session. But clearly our constituents want us to be more effective, more efficient, and I wanted you to understand why the majority of our committee voted Ought Not to Pass. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Garland, Representative Wintle.

Representative **WINTLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm kind of pondering this one too. It is amazing even though I graduated from Dexter Regional High School, I can still add to 8,000. That's the number of people I represent, the same number of people that are represented in each one of the United States of America.

I want to correct another mathematical thing. We've actually got 50 United States, not 57, and in all 50 of those states, 8,000 people represented. That's the way it was in the beginning, that's

the way it will be in the end, and I just thought it would be kind of neat if we could reduce the Senate to kind of mirror what they do in Florida. They have parishes and counties and so forth, plus reduce the Senate, and my final thoughts are kind of twofold. I am really in favor of reducing the judiciary and the executive. I would like the Governor, he could be bicameral. It's okay with me. Let's do it.

The SPEAKER: The Chair would remind members that when they refer to the Chief Executive on the second floor, they refer to him as the Chief Executive and nothing else.

The Chair reminded members to refer to the Chief Executive as the Chief Executive and nothing else.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to steal a certain legislator's campaign slogan, but sometimes less is more, and we need to set the example. I will be voting no on the pending Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respectfully disagree with my good friend Lance Harvell from Farmington. I think that this reduction of the Legislature is putting the cart before the horse. As we've seen government grow and grow and grow over the years, our work load has increased. I don't know about you but on my committee – and I see other committees – lots of times there is a lot of empty chairs because people are working several committees and it is very difficult sometimes, because they come back and we have to go over and revamp what we had just talked about. I think when we reduce the size of state government, we can start. By then, we might be able to think about reducing the size of the Legislature. But I really don't want to put the cart before the horse. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting red on the pending motion and just a little bit of math to help you understand why. Maine is in the bottom 10 in population in the nation, but yet we are in the top 10 in number of legislators that serve those citizens. That's why I will be voting red. Please follow my light.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the pending motion. I favor reducing the size of the Legislature.

A major point I'd make is this: Give the people what they want. This is a two-step process. All the Legislature can do is put the question on the ballot, but when we've had these discussions, for some reason it does seem to everyone that we would decide the final outcome here. I think the reason why is nobody serving here doubts that the citizens of the State of Maine prefer a smaller Legislature. It's one of those cases where we're too willing to substitute our judgment for theirs. It's true we have a privileged vantage point. We see things that our constituents maybe don't see, but I think that they have it right.

I'd ask a question just as trivia. What do the following have in common: the first Groundhog Day in America, the first filibuster in the U.S. Senate, the entire one month presidential term of William Henry Harrison, the famed Whig Party riot on the grounds of the White House, the opening of the Limerick yarn mills in Limerick, Maine? All of those things occurred in 1841. That was

the last time we gave the citizens of Maine the opportunity to vote on the size of the Legislature. They passed that proposal and we ended up with a body of 151 members here. It had been 200 before that.

In 1841, we brought that question forward, it went on the ballot and the voters in Maine, in 1841, voted to reduce the size of the House from 200 to 151. That was just 20 years after the Maine Constitution was put in place in the first place. It was contemplated at the very beginning that the House size and the Legislature size wouldn't necessarily be fixed for all time, but for some reason, over those decades, it has become fixed in our minds, just the people that happen to serve here.

It has been briefly mentioned that we're an outlier. If we didn't have neighbors of New Hampshire and Vermont, we'd think of our Legislature as enormously large, but the two other outliers in this country happen to be our neighbors. The Nevada Legislature has 21 state senators and 42 members in the Assembly, for a total of 63 lawmakers. It's a much larger state than Maine, in area if not population. The total of both chambers in Oregon is 90. We can compare ourselves with Michigan which is much more in the middle of those states. Its legislative membership is 148. Maine is 186. The two states are somewhat comparable in legislative size. Now take into consideration that Michigan has a population of 9 million, while Maine's population is less than a seventh of that at 1.3 million. The total area of Maine is 35,000 square miles; Michigan is 97,000 square miles.

When we think about having to serve a larger district, just compare ourselves to what is happening in states all over the country already. If we think about how hard it is to serve a large Legislature, travel to Augusta, think of the Michigan legislators who serve in the Upper Peninsula and end up having to travel to East Lansing in the south. Maine's 151 House members, each represent 8,443 residents, approximately. California's 80 Assembly members each represent 425,000 people. Nobody wants to follow California right now, I understand that, but each of Kansas's 125 representatives has 21,507 constituents. Alabama's 105 House members each represent 42,353 people. Each of Virginia's 100 delegates represents 70,785 people. Iowa's 100 representatives each have 29,263 constituents. Why are we stuck on this number here in the State of Maine?

I happen to think the State of Maine does things better than any other state in the country. I would put up our record against every single one of those states I mentioned and every other state in the country. I do think our Legislature has performed well. I think our government performs well. But I don't think it's because of the size of our Legislature. I think it might be despite the size of our Legislature. We can get by with fewer. I say give the people what they want. Thank you, Mr. Speaker.

On motion of Representative CUSHING of Hampden, **TABLED** pending the motion of Representative COTTA of China to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Shorten the Legislative Sessions"

(H.P. 717) (L.D. 973)

Signed:

Senator:

SULLIVAN of York

Representatives:

COTTA of China

BOLAND of Sanford

BOLDUC of Auburn  
CASAVANT of Biddeford  
CELLI of Brewer  
GRAHAM of North Yarmouth  
KAENRATH of South Portland  
MOULTON of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)** on same Bill.

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

HARVELL of Farmington

TURNER of Burlington

**READ.**

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Even as late as the 1960s, only 19 states met annually, the rest of the states met biannually. Today as we stand here four states still only meet every other year, four states. Of those states, Montana, North Dakota, of course they are a little bit smaller than the size of Maine, but Nevada and Texas are both larger and have more gross state product than the State of Maine. Nevada is double the size and doubles the state gross product of the State of Maine. Texas is over 20 times the size of the State of Maine and over 20 times the gross state product. I am looking at other different states, even on the states that meet annually like, for instance, the state of Utah only has a limit of 45 calendar days that they meet in their session.

With this bill also passing, it also is a way to go back to your district and say because of the recession, because of you losing your jobs, we also had the opportunity to decrease the salary with it. I think that is one heck of a notion to go back to your constituents and say you're hurting and we actually took a decrease in our salary to do this.

You know our freedom as individuals are a pie chart and as being here, we're not going to add to those freedoms. We're only going to take away from that. I don't know how many times I've heard it at least, is how many times people have said I sleep a lot sounder at night knowing when you guys aren't in session. Please follow my light and I think this is a great bill to support. Thank you. I also request a roll call.

Representative **LIBBY** of Waterboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 36**

YEA - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Curtis, Cushing, Dill C, Dill J, Dion,

Driscoll, Duchesne, Eberle, Espling, Eves, Fitts, Flemings, Fossil, Gilbert, Gillway, Goode, Graham, Hamper, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Martin, Mazurek, McCabe, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, Peoples, Peterson, Picchiotti, Pilon, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Stuckey, Tilton, Treat, Tuttle, Valentino, Wagner R, Weaver, Webster, Welsh, Willette M, Winsor, Wintle, Mr. Speaker.

NAY - Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Chase, Crafts, Cray, Crockett, Damon, Davis, Dow, Dunphy, Edgecomb, Fitzpatrick, Flood, Foster, Fredette, Gifford, Guerin, Harmon, Harvell, Herbig, Johnson D, Johnson P, Keschl, Libby, Malaby, Maloney, McClellan, McFadden, McKane, Newendyke, O'Connor, Olsen, Parker, Parry, Plummer, Rioux, Rosen, Sanderson, Sirocki, Strang Burgess, Theriault, Timberlake, Turner, Volk, Waterhouse, Willette A, Wood.

ABSENT - Celli.

Yes, 99; No, 51; Absent, 1; Excused, 0.

99 having voted in the affirmative and 51 voted in the negative, with 1 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution"

(H.P. 957) (L.D. 1305)

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representatives:

99 BEAULIEU of Auburn  
CAREY of Lewiston  
CHIPMAN of Portland  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
LONGSTAFF of Waterville  
VALENTINO of Saco  
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

RUSSELL of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAREY of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

On motion of Representative CUSHING of Hampden, **TABLED** pending the motion of Representative BEAULIEU of Auburn to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Ten Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-206)** on Bill "An Act To Promote the Financial Literacy of High School Students" (H.P. 161) (L.D. 184)

Signed:

Senators:

LANGLEY of Hancock  
ALFOND of Cumberland  
MASON of Androscoggin

Representatives:

JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
McFADDEN of Dennysville  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

RICHARDSON of Carmel  
EDGEComb of Caribou

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-207)** on same Bill.

Signed:

Representative:

LOVEJOY of Portland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-206)**.

**READ.**

On motion of Representative RICHARDSON of Carmel, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-206)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 12, 2011.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)** on Resolve, To Adjust Composting Limits for Farms

(H.P. 713) (L.D. 969)

Signed:

Senator:

THIBODEAU of Waldo

Representatives:

NASS of Acton  
 AYOTTE of Caswell  
 HAMPER of Oxford  
 PARKER of Veazie  
 LONG of Sherman  
 GIFFORD of Lincoln  
 FOSTER of Augusta  
 EDGECOMB of Caribou  
 TIMBERLAKE of Turner  
 CRAY of Palmyra  
 BLACK of Wilton  
 DILL of Old Town

Minority Report of the same Committees reporting **Ought to Pass as Amended by Committee Amendment "B" (H-197)** on same Resolve.

Signed:

Senators:

SAVIELLO of Franklin  
 SHERMAN of Aroostook  
 SCHNEIDER of Penobscot  
 GOODALL of Sagadahoc

Representatives:

WELSH of Rockport  
 DUCHESNE of Hudson  
 KNAPP of Gorham  
 HARLOW of Portland  
 INNES of Yarmouth  
 KENT of Woolwich  
 O'BRIEN of Lincolnville  
 McCABE of Skowhegan

**READ.**

On motion of Representative HAMPER of Oxford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 72) (L.D. 221) Bill "An Act To Make Changes to the Motorcycle Inspection Sticker Requirements" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-66)**

(S.P. 105) (L.D. 343) Bill "An Act To Facilitate a Change of Location for Liquor Retailers" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)**

(S.P. 171) (L.D. 579) Resolve, To Study the Creation of a School of Hospitality and Hotel Management within the University of Maine System Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 268) (L.D. 864) Bill "An Act To Reduce the Minimum Amount of Product Required To Be Purchased by Agency Liquor Stores for Licensure" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-69)**

(H.P. 441) (L.D. 558) Bill "An Act To Provide Equal Treatment to Members of the Penobscot Nation with Regard to

Marine Resources Licenses" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-211)**

(H.P. 783) (L.D. 1048) Bill "An Act To Delay the Implementation of the Rental Housing Radon Testing Requirement" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 448) (L.D. 1441) Bill "An Act To Amend the Yarmouth Water District Charter"

(S.P. 26) (L.D. 11) Bill "An Act To Regulate the Keeping of Wolf Hybrids" (EMERGENCY) (C. "A" S-50)

(S.P. 57) (L.D. 207) Bill "An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees" (C. "A" S-58)

(S.P. 139) (L.D. 435) Bill "An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council" (C. "A" S-57)

(S.P. 184) (L.D. 604) Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax" (C. "A" S-53)

(S.P. 251) (L.D. 848) Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act (C. "A" S-54)

(S.P. 266) (L.D. 862) Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid (C. "A" S-56)

(S.P. 304) (L.D. 986) Bill "An Act To Allow a Driver To Receive a Designation on That Driver's License That the Driver Is a Veteran" (C. "A" S-62)

(S.P. 323) (L.D. 1090) Bill "An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test" (C. "A" S-61)

(S.P. 341) (L.D. 1132) Resolve, To Authorize the Exchange of Certain Lands Owned by the State (C. "A" S-55)

(H.P. 157) (L.D. 180) Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules (EMERGENCY)

(H.P. 913) (L.D. 1222) Bill "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers"

(H.P. 152) (L.D. 175) Bill "An Act To Create a Short-term All-terrain Vehicle Registration System" (EMERGENCY) (C. "A" H-195)

(H.P. 254) (L.D. 321) Bill "An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control" (C. "A" H-187)

(H.P. 375) (L.D. 482) Bill "An Act To Amend the Laws Dealing with Limitation of Actions" (C. "A" H-192)

(H.P. 403) (L.D. 520) Bill "An Act To Allow a Waiver for On-premise Signs" (C. "A" H-201)

(H.P. 585) (L.D. 778) Bill "An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants" (C. "A" H-193)

(H.P. 748) (L.D. 1012) Bill "An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded" (C. "A" H-202)

(H.P. 751) (L.D. 1015) Bill "An Act To Reduce Unnecessary Reporting Requirements for the Department of Environmental Protection" (C. "A" H-199)

(H.P. 760) (L.D. 1024) Bill "An Act To Amend the Laws Governing Land Surveyors" (C. "A" H-203)

(H.P. 791) (L.D. 1056) Bill "An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992" (C. "A" H-204)

(H.P. 871) (L.D. 1173) Bill "An Act To Make Changes to the Maine College Savings Program" (C. "A" H-208)

(H.P. 958) (L.D. 1306) Bill "An Act To Require the Correct Motor Vehicle Registration for Antique Autos and Custom Vehicles" (C. "A" H-200)

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

**BILLS IN THE SECOND READING**

**Senate**

Bill "An Act To Direct the Judicial Branch To Take Requisite Measures To Collect Fines and Penalties"

(S.P. 337) (L.D. 1104)

**Senate as Amended**

Bill "An Act To Amend the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank"

(S.P. 339) (L.D. 1130)

(C. "A" S-59)

**House as Amended**

Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

(H.P. 663) (L.D. 904)

(C. "A" H-182)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS**

**Acts**

An Act To Amend the Informed Growth Act

(H.P. 255) (L.D. 322)

(C. "A" H-108)

An Act To Eliminate Duplication of Paint Disclosure and Radon Requirements

(H.P. 427) (L.D. 544)

An Act To Increase the Amount Tagging Agents Receive for Tagging Game

(H.P. 467) (L.D. 637)

(C. "A" H-105)

An Act To Exempt Retired Military Pay from State Income Tax

(H.P. 477) (L.D. 647)

(C. "A" H-123)

An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

(H.P. 572) (L.D. 765)

(C. "A" H-130)

An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing

(S.P. 259) (L.D. 855)

An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities

(H.P. 668) (L.D. 909)

(C. "A" H-126)

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, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students

(H.P. 708) (L.D. 964)

(S. "A" S-67)

Resolve, To Encourage Business Development by Creating Limits on the Time Certain Utilities May Hold a Business Customer's Deposit

(H.P. 882) (L.D. 1191)

(C. "A" H-127)

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.

Expression of Legislative Sentiment Recognizing the members of the Lee Academy Boys Basketball Team, who have won the 2011 Eastern Class C Regional Championship

(HLS 248)

TABLED - April 13, 2011 (Till Later Today) by Representative TURNER of Burlington.

PENDING - **PASSAGE**.

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

**COMMUNICATIONS**

The Following Communication: (S.C. 333)

**MAINE SENATE  
125TH LEGISLATURE  
OFFICE OF THE SECRETARY**

May 10, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Lt. Col. Robert A. Williams of Vassalboro for appointment as the Chief of the Maine State Police.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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On motion of Representative PRESCOTT of Topsham, the House adjourned at 11:54 a.m., until 10:00 a.m., Thursday, May 12, 2011.