

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
35th Legislative Day
Monday, March 26, 2012

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

Prayer by the Honorable John L. Tuttle, Jr., Sanford.
National Anthem by Lisandro Berry-Gavivia, Bowdoinham.
Pledge of Allegiance.

Doctor of the day, David McDermott, M.D., Dover-Foxcroft.
The Journal of Friday, March 23, 2012 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 675)

**JOINT RESOLUTION IN RECOGNITION OF THE
CONTRIBUTIONS THAT WOMEN MAKE TO MAINE
AND TO THE UNITED STATES**

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

WHEREAS, the United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

WHEREAS, our country would not have attained its greatness without the strength, bravery, insight and persistence of the women who have come before us; and

WHEREAS, American women have played, and continue to play, critical economic, cultural, political and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home and in professions from educator to astronaut; and

WHEREAS, women have played a major role in the defense of our nation, both on and off the battlefield; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements that create a more fair and just society for all; and

WHEREAS, women not only have played critical economic, cultural and social roles in our society but also have permanently changed the face of American government and politics; and

WHEREAS, Maine has a rich and vibrant history of women in leadership, including former Senator Margaret Chase Smith, perhaps best known for her contribution to the well-being of the United States and its people with her consistent stand for the condemnation of bigotry and injustice wherever she found them; and

WHEREAS, Senator Margaret Chase Smith was the first woman from Maine to serve in the United States Congress, the first woman in the nation elected to both houses of the United States Congress and the first woman to be placed in nomination for the presidency at a major party's convention; and

WHEREAS, the Maine Legislature has had several women elected to leadership positions, including the Honorable Elizabeth "Libby" Mitchell, the first woman in the United States to have been chosen as both House Speaker and Senate President, the 2nd-highest political position in the State, and the Honorable Betheda "Beth" Edmonds, the 2nd female Senate President in Maine history and the first to serve a 2nd term as Senate

President, and the Honorable Hannah Pingree, the youngest woman to hold the position of House Speaker; and

WHEREAS, Maine currently has some of the strongest women leaders in the nation, including Senator Olympia J. Snowe, the first woman to serve in both houses of a state legislature and both houses of the United States Congress, Senator Susan Collins, the first woman to run for Maine Governor from a major party and Congresswoman Chellie Pingree, the first woman elected to Congress from Maine's First Congressional District; and

WHEREAS, within our state judicial system, Chief Justice Leigh I. Saufley is Maine's first woman Chief Justice of the Supreme Judicial Court; and

WHEREAS, the Honorable Janet T. Mills is the first woman to have served as Maine's Attorney General, as well as being a former District Attorney and Legislator; and

WHEREAS, we must take every action possible to promote women in leadership so that we can achieve fair representation in our State Government, including recognizing Maine women's contributions to our state history; and

WHEREAS, in recognition of the contributions of women, the United States Congress has passed a resolution each year since 1987 designating the month of March as "Women's History Month"; 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 March 2012 as Women's History Month in Maine; and be it further

RESOLVED: That we encourage the residents of this State to observe Women's History Month by participating in programs, ceremonies and activities to foster an awareness of and appreciation for the contributions made by women that have benefited and improved society.

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

Non-Concurrent Matter

Bill "An Act To Change Document Filing Fees for County Registries of Deeds" (EMERGENCY)

(H.P. 1137) (L.D. 1550)

**PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-711) AS AMENDED BY
HOUSE AMENDMENT "A" (H-806)** thereto in the House on March 22, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-711) in
NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: (S.C. 795)

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

March 23, 2012

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 Insurance and Financial Services, the nomination of Ellen Shillinglaw of Orr's Island for appointment to the Dirigo Health Board.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority"

(H.P. 1403) (L.D. 1901)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Representatives: BICKFORD of Auburn, BOLDUC of Auburn, DUNPHY of Embden, HAMPER of Oxford, MALABY of Hancock.

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.

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

**REPORTS OF COMMITTEE
Ought to Pass Pursuant to Statute**

Representative RICHARDSON for the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act"

(H.P. 1401) (L.D. 1899)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ and ACCEPTED.**

The Bill was **READ ONCE.**

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** and sent for concurrence.

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-465)** on Bill "An Act To Amend the Housing Provisions of the Maine Human Rights Act"

(S.P. 487) (L.D. 1530)

Signed:

Senators:

HASTINGS of Oxford

DILL of Cumberland

WOODBURY of Cumberland

Representatives:

NASS of Acton

BEAULIEU of Auburn

FOSSEL of Alna

MALONEY of Augusta

MONAGHAN-DERRIG of Cape Elizabeth

MOULTON of York

PRIEST of Brunswick

ROCHELO of Biddeford

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

Signed:

Representatives:

SARTY of Denmark

WATERHOUSE of Bridgton

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-465).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-465)** 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-465)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Define 'Person Aggrieved' in Proceedings before the Department of Environmental Protection and the Maine Land Use Regulation Commission"

(S.P. 546) (L.D. 1647)

Signed:

Senators:

DILL of Cumberland

WOODBURY of Cumberland

Representatives:

MALONEY of Augusta

MONAGHAN-DERRIG of Cape Elizabeth

MOULTON of York

PRIEST of Brunswick

ROCHELO of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton

BEAULIEU of Auburn

FOSSEL of Alna

SARTY of Denmark

WATERHOUSE of Bridgton

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-464).**

READ.

Representative NASS of Acton moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Ten Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-456)** on Resolve, Regarding Prequalification Processes for Contractors

(S.P. 629) (L.D. 1821)

Signed:

Senator:

SULLIVAN of York

Representatives:

- COTTA of China
- BOLAND of Sanford
- BOLDUC of Auburn
- CASAVANT of Biddeford
- GRAHAM of North Yarmouth
- HARVELL of Farmington
- KAENRATH of South Portland
- MOULTON of York
- TURNER of Burlington

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

Signed:

Senator:

COLLINS of York

Representative:

CEBRA of Naples

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-457)** on same Resolve.

Signed:

Senator:

THOMAS of Somerset

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

READ.

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (S-456)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-456)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-813)** on Bill "An Act Related to Specialty Tiers in Prescription Medication Pricing"

(H.P. 1243) (L.D. 1691)

Signed:

Senators:

- WHITTEMORE of Somerset
- BRANNIGAN of Cumberland
- SNOWE-MELLO of Androscoggin

Representatives:

- BEAUDOIN of Biddeford
- BECK of Waterville
- GOODE of Bangor
- MORISSETTE of Winslow
- MORRISON of South Portland
- PICCHIOTTI of Fairfield
- TREAT of Hallowell

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

Signed:

Representatives:

- RICHARDSON of Warren
- FITZPATRICK of Houlton
- McKANE of Newcastle

READ.

Representative RICHARDSON of Warren moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(H.P. 1201) (L.D. 1595) Bill "An Act To Impose a Penalty for Making False Claims Regarding Affiliation with a Federally Recognized Tribe" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-821)**

(H.P. 1360) (L.D. 1838) Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-820)**

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

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

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

ENACTORS

Emergency Measure

An Act To Make Technical Changes to Maine's Marine Resources Laws

(S.P. 587) (L.D. 1722)
(C. "A" S-466)

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 Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13

(H.P. 1368) (L.D. 1847)
(C. "A" H-804)

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.

Acts

An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand

(H.P. 256) (L.D. 323)
(C. "A" H-803)

An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste

(H.P. 646) (L.D. 879)
(C. "A" H-774)

An Act To Amend the Labor Laws Relating to Certain Agricultural Employees

(H.P. 898) (L.D. 1207)
(C. "B" H-691; S. "A" S-460)

An Act Relating to the Governance of the Maine State Housing Authority

(S.P. 615) (L.D. 1778)
(C. "A" S-467)

An Act To Amend the Requirement That the Department of Labor Calculate the Livable Wage

(H.P. 1311) (L.D. 1786)
(C. "A" H-810)

An Act To Implement Recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

(S.P. 622) (L.D. 1802)
(C. "A" S-463)

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.

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 matters, in the consideration of which the House was engaged at the time of adjournment Friday, March 23, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Linda McGill, of Freeport

(HLS 1059)

TABLED - March 20, 2012 (Till Later Today) by Representative WEBSTER of Freeport.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment in Memory of Steven C. Tremblay, of Cape Elizabeth

(HLS 1083)

TABLED - March 23, 2012 (Till Later Today) by Representative PETERSON of Rumford.

PENDING - **ADOPTION**.

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

JOINT RESOLUTION IN HONOR OF WOMEN'S HISTORY MONTH AND IN RECOGNITION OF THE CONTRIBUTIONS THAT WOMEN MAKE TO MAINE AND TO THE UNITED STATES

(S.P. 670)

- In Senate, **READ** and **ADOPTED**.

TABLED - March 21, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **ADOPTION**.

On motion of Representative MARTIN of Eagle Lake, the Joint Resolution and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 532) (L.D. 1622) Bill "An Act To Clarify the Laws Governing Electric Industry Restructuring" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)**

(S.P. 596) (L.D. 1739) Bill "An Act To Change Regulation of Forestry Activities" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-471)**

(H.P. 1266) (L.D. 1714) Bill "An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-822)**

(H.P. 1343) (L.D. 1823) Bill "An Act To Allow the Maine Wild Mushroom Harvesting Certification Program To Be Self-funded" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-823)**

(H.P. 1369) (L.D. 1851) Bill "An Act To Amend the Laws Concerning Municipal Inspections of Establishments" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-824)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

On motion of Representative WEAVER of York, the House adjourned at 10:53 a.m., until 10:00 a.m., Tuesday, March 27, 2012.