

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST SPECIAL SESSION
1st Legislative Day
Tuesday, September 27, 2011

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Fifth Legislature in extra session, the members of the House of Representatives were assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Reverend Sarah Shepley, South Paris.
National Anthem by Bethann Renaud, Bowdoin.
Pledge of Allegiance.

At this point, a message was received from the Senate, borne by Senator COURTNEY of York of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

A roll call was taken. 144 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:
Representative BOLDUC of Auburn
Representative CEBRA of Naples
Representative CELLI of Brewer
Representative LIBBY of Waterboro
Representative MONAGHAN-DERRIG of Cape Elizabeth
Representative TUTTLE of Sanford
1 Vacancy

The Following Proclamation: (H.C. 239)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, an extraordinary occasion exists in the State of Maine whereby Congressional reapportionment must be completed on or before September 30th; and
WHEREAS, the Legislature must statutorily enact such reapportionment; and
WHEREAS, the Constitution of the State of Maine requires the Senate to vote on certain nominations by the Governor to state departments, boards, and commissions;
NOW, THEREFORE, I, PAUL R. LEPAGE, Governor of the State of Maine, by the virtue of the power vested in me as Governor under to Article V, Part 1, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requesting the Representatives and the Senators to assemble at ten o'clock in the morning in their respective chambers at the Capitol in Augusta on Tuesday, September 27th, 2011, in order to receive communications, enact a Congressional reapportionment plan, and act upon pending nominations.
In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this fourth day of August in the year Two Thousand and Eleven.

S/Paul R. LePage
Governor
S/Charles E. Summers, Jr.
Secretary of State

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: (H.C. 240)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

June 17, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Governor LePage has set Tuesday, August 16, 2011, as the date for the Special Election to be held in District 121.

Please find enclosed a certified copy of the Governor's Proclamation, as well as a copy of the forms to be used at the municipal caucus. Please contact the Division of Elections at 624-7650 if you have any questions regarding this election.

Sincerely,

S/Charles E. Summers, Jr.
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 241)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

September 19, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk Priest:

Please find enclosed a certified copy of the final results from the August 16, 2011 Special Election held in State Representative District 121.

Sincerely,

S/Charles E. Summers, Jr.
Secretary of State

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

August 17, 2011

I, Charles E. Summers, Jr., Secretary of State, in accordance with the provisions of the proclamation issued by the Governor on June 16, 2011, calling for a Special Election to be held on August 16, 2011, to elect a State Representative in District 121 and having tabulated the return of the votes cast;

REPORT AS FOLLOWS; that Kimberly Monaghan-Derrig of Cape Elizabeth, having received a plurality of the votes cast, appears to have been elected a State Representative in the 125th Legislature in District 121:

SPECIAL ELECTION – August 16, 2011
STATE REPRESENTATIVE
DISTRICT 121

Monaghan-Derrig, Kimberly, Cape Elizabeth 1,340
Thompson, Nancy E., Cape Elizabeth 1,164

I, Charles E. Summers, Jr., Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast at the Special Election for State Representative in District 121, as reported to me on the return of votes from the municipality of Cape Elizabeth.

S/Charles E. Summers, Jr.
Secretary of State
Received by the Governor
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative Kimberly J. Monaghan-Derrig, of Cape Elizabeth to seat 102.

At this point, the Speaker recognized the Representative from Cape Elizabeth, Representative MONAGHAN-DERRIG, and she was added to the quorum call of the First Special Session of the 125th Legislature.

ORDERS

On motion of Representative CURTIS of Madison, the following House Order: (H.O. 29)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor Paul Richard LePage, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

- Representative FOSSEL of Alna
- Representative FREDETTE of Newport
- Representative MARTIN of Eagle Lake
- Representative BECK of Waterville
- Representative WELSH of Rockport
- Representative DAMON of Bangor
- Representative PLUMMER of Windham
- Representative HASKELL of Portland
- Representative BERRY of Bowdoinham

On motion of Representative CUSHING of Hampden, the following House Order: (H.O. 30)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative CURTIS of Madison to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

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

COMMUNICATIONS

The Following Communication: (H.P. 1193)

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

September 21, 2011

The Honorable Robert W. Nutting
Speaker of the House
125th Legislature
The Honorable Kevin L. Raye
President of the Senate
125th Legislature

Dear Mr. Speaker and Mr. President:

On September 21, 2011, 1 bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to a Joint Standing Committee on September 21, 2011, as follows:

Criminal Justice and Public Safety

Bill "An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs" (EMERGENCY) (H.P. 1192) (L.D. 1589) (Sponsored by Representative DAMON of Bangor) (GOVERNOR'S BILL) (Cosponsored by Senator FARNHAM of Penobscot and Representatives: BERRY of Bowdoinham, CUSHING of Hampden, HASKELL of Portland, PLUMMER of Windham, Senators: GERZOFKY of Cumberland, MASON of Androscoggin, President RAYE of Washington)

Sincerely,

S/Heather J.R. Priest

Clerk of the House

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 242)

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

July 5, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under HP 1186, "Joint Order to Establish the Commission to Reapportion Maine's Congressional Districts," I am pleased to appoint the following Representatives to the Reapportionment Commission:

Representative Richard A. Cebra of Naples

Representative Leslie T. Fossel of Alna

Representative Kenneth W. Fredette of Newport

These three Representatives will serve as members from the political party holding the largest number of seats in the House of Representatives.

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 243)

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

July 1, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Joint Order, H.P. 1186, of the 125th Legislature, I am pleased to appoint the following Senators to the Commission to Reapportion Maine's Congressional Districts. They will be serving as members of the Maine Senate.

Senator Debra D. Plowman of Penobscot

Senator Rodney L. Whittemore of Somerset

If you have any questions regarding these appointments please do not hesitate to contact my office.

Sincerely,

S/Kevin L. Raye

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 244)

**STATE OF MAINE
125TH LEGISLATURE**

July 5, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to our authority under HP 1186, "Joint Order to Establish the Commission to Reapportion Maine's Congressional Districts," we are pleased to appoint the Honorable Joshua A. Tardy of Newport to the Reapportionment Commission. With this appointment Mr. Tardy will serve as a member of the public.

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Kevin L. Raye

President of the Senate

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 245)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

July 1, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Joint Order, H.P. 1186, I am pleased to appoint the following Senators to the Commission to Reapportion Maine's Congressional Districts:

Senator Philip L. Bartlett II of Cumberland

Senator Seth A. Goodall of Sagadahoc

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Barry J. Hobbins

Senate Democratic Leader

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 246)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE DEMOCRATIC OFFICE
AUGUSTA, MAINE 04333-0002**

July 1, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Joint Order, H.P. 1186, I am pleased to appoint the following Representatives to the Commission to Reapportion Maine's Congressional Districts:

Representative John L. Martin of Eagle Lake

Representative Henry E. M. Beck of Waterville

Representative Joan W. Welsh of Rockport

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Emily Ann Cain

House Democratic Leader

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 247)

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

September 6, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under House Rule 201.1 (l) (a), I am appointing Representative Kimberly Monaghan-Derrig of Cape Elizabeth to the Joint Standing Committee on Judiciary effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 248)

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

July 22, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Joint Rule 371, I am pleased to appoint the following to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Senator G. William Diamond of Cumberland
Senator Diamond will be replacing former Senator Lawrence Bliss of Cumberland on the Government Oversight Committee.

If you have any questions regarding this appointment, please contact my office.

Sincerely,
S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

Subsequently, Representative FOSSEL of Alna reported that the Committee had delivered the message with which it was charged.

The Following Communication: (H.C. 249)
**REPRESENTATIVE FREDRICK WINTLE
HOUSE DISTRICT #24
113 DOVER ROAD
GARLAND, MAINE 04939**

September 13, 2011
The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:
Please accept this letter as my formal letter of resignation from the Maine House of Representatives, House District #24, effective immediately.

It has been an honor to serve the people of Athens, Harmony, Ripley, Dexter, Garland and Charleston in the Maine House of Representatives.

Respectfully Submitted,
S/Fredrick Wintle
State Representative

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 250)
**SENATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

September 16, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:
Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint Senator Saviello, to the Joint Standing Committee on Inland Fisheries and Wildlife, effective immediately. With this appointment the Senator from Franklin, Senator Saviello, will be replacing the Senator from Lincoln, Senator Trahan.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,
S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 251)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO REAPPORTION
MAINE'S CONGRESSIONAL DISTRICTS**

August 31, 2011
The Honorable Heather J.R. Priest
Clerk of the House
125th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:
The Commission to Reapportion Maine's Congressional Districts is pleased to submit its proposal for reapportionment pursuant to Joint Order H.P. 1186. The plan was approved by a closely divided vote. Because of the closeness of the vote, we submit the final proposals of both the Democratic and Republican parties.

I would like to take this opportunity to thank the Commission members and the staff members of both parties for their thorough and collegial work on these proposals.

Sincerely,
S/Michael Friedman
Chairman

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 252)
**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

August 22, 2011
TO: The Honorable Kevin L. Raye, President of the Senate
The Honorable Robert W. Nutting, Speaker of the House

FROM: S/Beth Ashcroft, Director
RE: Maine Green Energy Alliance Final Report
Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on the Maine Green Energy Alliance. The report is also available on our website at <http://www.maine.gov/legis/oepga/Reports.html>. The public comment period on this Report has been scheduled for Tuesday, September 6, 2011 at 9:00 a.m. in Room 214 Cross Building. If you have any questions, please do not hesitate to give me a call.

READ and with accompanying papers ORDERED PLACED ON FILE.

Subsequently, Representative CURTIS of Madison reported that he had delivered the message with which he was charged.

ORDERS

On motion of Speaker NUTTING of Oakland, the following Joint Resolution: (H.P. 1194) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston,

CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of

Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

**JOINT RESOLUTION HONORING
THE HONORABLE DAN A. GWADOSKY**

WHEREAS, the Honorable Dan A. Gwadosky, of Augusta, passed away on August 10, 2011 at the age of 57, with his loving family at his side, after living a vital and energetic life of commitment to other people and to the State of Maine; and

WHEREAS, Dan A. Gwadosky had a long and successful political career with the State of Maine extending 33 years, exemplifying the spirit of public service and proving that honor, honesty and integrity are all attributes still held in high esteem by the people; and

WHEREAS, Mr. Gwadosky was born in Waterville and raised in Fairfield, was a graduate of Lawrence High School and received a bachelor's degree and a master's degree from Thomas College, which recently awarded him an Honorary Doctorate of Humane Letters; and

WHEREAS, Mr. Gwadosky was first elected to the Maine House of Representatives in 1978 at the age of 23, representing the Town of Fairfield, and served 18 years in the House with distinction, elected Assistant Majority Leader in 1986, House Majority Leader in 1988 and Chair of the Legislative Council in 1992 and sworn in as the 92nd Speaker of the Maine House of Representatives in 1994; and

WHEREAS, as the Speaker of the House, Mr. Gwadosky's goals were to reform the legislative institution and build a new sense of civility, cooperation and common purpose in the House of Representatives, which he did during a difficult transitional period; and

WHEREAS, in 1997, Mr. Gwadosky was elected Maine's 46th Secretary of State, serving for 8 years and helping to bring his office into the digital age and serving as President of the National Association of Secretaries of State from 2002 to 2003; and

WHEREAS, Mr. Gwadosky served 6 years as Director of the Bureau of Alcoholic Beverages and Lottery Operations, and also served as chair of the National Alcoholic Beverage Control Association; and

WHEREAS, Mr. Gwadosky was known for his quick wit, his political astuteness and his desire to help all Maine people and especially for his love of family, State and Nation; and

WHEREAS, the untimely passing of the Honorable Dan A. Gwadosky has saddened not only those whose lives he touched, but the entire State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to honor the memory of Dan A. Gwadosky and his commitment, dedication and work for the people of the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Cheryl Gwadosky and her family.

READ.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. About a month ago, many of us attended a memorial service and celebration of the life of Dan Gwadosky at the Augusta Civic Center. For those of us who have known Dan, frankly, from the years that he decided to run for the Legislature, it was a great loss and certainly not something that we expected. As a result of cancer, his life came to a quick halt.

Dan had a love for politics and served 18 years as a member of this body, both as assistant majority leader, majority leader, and subsequently replaced me as Speaker of the House. After he left, he then became Secretary of State and after fulfilling that responsibility, went and was appointed as director of lottery and alcoholic beverages for the state where he served his last years in public service. For those of us who knew Dan and worked with him, there was never a dull moment, and if it was dull, it quickly became undull, which is not a proper word to use but it just reminded me of his ability to make you laugh and to make you at the same time understand that there was an issue to be dealt with, but also understand that it was important to keep it on the light side when possible. There was never a time when Dan was without words or a time when he couldn't come to arriving at a solution for a particular problem because he worked hard at it and loved the work that he did. I could tell you many, many stories, and some of which I cannot repeat, of the years that we served together and worked in the Speaker's office or any other offices he occupied.

Just to illustrate how dedicated he was to public service, when the Appropriations Committee was meeting at the end of the session, I believe two days before we were to adjourn, there was an issue that arose and remember now that he passed away in August and in late June he was with us in the committee answering the questions as if nothing was wrong with his life or his health. That's the way he was and that's the way he worked throughout his career. What amazed me the most about Dan was his ability to deal with every person of any persuasion, Democrat, Republican, Independent or someone who agreed or disagreed with him, he was able to come to common ground and get to deal with the issue. There is absolutely no question that we will miss him in public service in this state, but we need to remember that we had him with us, so he devoted a great deal of his public life working for the state, sometimes leaving his family at home, even though he probably really didn't want to do that and probably would have rather been in Florida or along the coast riding in his convertible. Certainly I think it's clear to me that he leaves a tremendous legacy for both of his children, Josh and Jessica, and it's clear to me that they will forever remember as long as they live the devotion that he had to this state, his community and to all of us. So I am pleased to be able to say a few words here today in his memory and I am pleased also that we have with us his wife Cheryl with us and his sister Bonnie, who have been his life friends and his sister, of course, who was always the one I would call if I thought I had a problem with the majority floor leader. So it really is a pleasure for me to say a few words about him and I'm just sorry in many ways that he's not here to hear some of those words today.

Subsequently, this Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

The Following Communication: (H.C. 253)
MAINE JOBS COUNCIL
120 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0120

August 30, 2011
The Honorable Robert W. Nutting
Speaker of the House
Maine House of Representatives
2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to 26 MRSA, Chapter 25, §2006, Sub §5-B, enclosed are copies of the 2011 Annual Report prepared by the Commission on Disability and Employment.

If you have any questions concerning this report, please feel free to contact me at the Disability Rights Center (207-626-2774, extension 221) or by e-mail at mclarrage1@maine.rr.com

Sincerely,

S/Mel Clarrage, Chair

Commission on Disability and Employment

Maine Jobs Council

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

The Following Communication: (H.C. 254)

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

September 15, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please find enclosed a certified copy of the proclamation referring the People's Veto of "An Act To Preserve the Integrity of the Voter Registration and Election Process" to the electors on November 8, 2011. A copy of the determination of this petition is also enclosed.

Sincerely,

S/Charles E. Summers, Jr.

Secretary of State

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

The Following Communication: (H.C. 255)

STATE OF MAINE
JUVENILE JUSTICE ADVISORY GROUP
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333

September 19, 2011

Dear Governor LePage and Members of the 125th Legislature:

The statutorily created Juvenile Justice Advisory Group (JJAG) of Maine presents to you the 2010 Annual Report. We think you will find the information quite enlightening with regard to the activities of the JJAG and its work in the criminal justice arena as it impacts Maine's most precious commodity, our youth.

Over the years, the JJAG has gone through many changes and made many improvements. You can see from our membership that we are quite diverse and look at the criminal justice system from a variety of perspectives, always seeking better solutions and methods of dealing with juveniles who become involved with the criminal justice system.

It is truly a great honor for each and every one of us to serve the state and its youth in our appointed capacities. We hope you find the information valuable and useful to you in your coming deliberations.

Sincerely,

S/Paul K. Vestal, Jr.

Chair

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

The Following Communication: (H.C. 256)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

September 21, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Governor LePage has set Tuesday, November 8, 2011, as the date for the Special Election to be held in District 24.

Please find enclosed a certified copy of the Governor's Proclamation, as well as a copy of the forms to be used at the municipal caucus. Please contact the Division of Elections at 624-7650 if you have any questions regarding this election.

Sincerely,

S/Charles E. Summers, Jr.

Secretary of State

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

The Following Communication: (H.C. 257)

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

September 26, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On August 30, 2011

Bruce Flewelling of Easton and

Clark Granger of Woolwich for appointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA §1471-B, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Ernest Carle of Big Lake Township and

Robert Dunphy of North Anson for appointment to the Maine Land Use Regulation Commission.

Pursuant to Title 12, MRSA §683, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Colon Durrell of Farmington for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

The Honorable Gary W. Reed of Falmouth for appointment to the State Harness Racing Commission.

Pursuant to Title 8, MRSA §261-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Douglas F. Beaulieu of Madawaska,

The Honorable David E. Bowles of Sanford and

Mark A. Westrum of Bath for appointment to the State Board of Corrections.

Pursuant to Title 34-A, MRSA §1802, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Ann R. Robinson of Portland for appointment to the Board of Trustees, Maine Public Broadcasting Corporation.

Pursuant to PL 1997, Chapter 599, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Steven Howe of Ogunquit and

The Honorable James Libby of Buxton for appointment to the Maine Community College System Board of Trustees.

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

Christopher McCormick of Cumberland Foreside for reappointment to the Maine Community College System Board of Trustees.

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

Jason Judd of Pittsfield,

Kalevi Kotkas of North Yarmouth,

Frederick Woodman, Jr. of Lincoln and

Dr. Charles Wray of Mount Desert for appointment to the Maine School of Science and Mathematics Board of Trustees.

Pursuant to Title 20-A, MRSA §8204, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Michael Edgecomb of Spruce Head,

Dr. David Haines of Auburn,

Dr. Susan Hunter of Orono and

Dr. Walter Specht of Topsham for reappointment to the Maine School of Science and Mathematics Board of Trustees.

Pursuant to Title 20-A, MRSA §8204, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Jonathan E. Kenerson of Levant for appointment to the State Board of Education.

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

Peter Garrett of Winslow for appointment to the Maine Outdoor Heritage Fund Board.

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

Robert Kennedy of Ellsworth for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, this appointment is contingent on review by the Joint Standing Committee on Health and Human Services.

Ann-Marie Grenier of Windham and

Virginia Jennings of South Berwick for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

David J. Mitchell of Calais for appointment to the Maine Commission on Indigent Legal Services.

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

John J. Boland of New Gloucester and Harold W. Clossey of Robbinston for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30, MRSA §6212, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

John Atkinson of Topsham, Barbara Harvey of Portland, Betsy Libby of New Gloucester, Daniel O'Halloran of Yarmouth and

Anthony Payne of Falmouth for appointment to the Maine Educational Loan Authority.

Pursuant to Title 20-A, MRSA §11415, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Joel Allumbaugh of Gardiner and

Timothy L. Thompson of Cape Elizabeth for appointment to the Maine Governmental Facilities Authority.

Pursuant to Title 4, MRSA §1602, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Robert D. Stone of Auburn for appointment to the Maine Turnpike Authority.

Pursuant to Title 23, MRSA §1965, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Matthew C. Jacobson of Cumberland for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

The Honorable Jane A. Amero of South Portland for appointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Timothy S. Doyle of Greene for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

On August 31, 2011

The Honorable G. Arthur Brennan of York for appointment to Active Retired Status in the Maine Superior Court.

Pursuant to Title 4, MRSA §104, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

The Honorable John H. O'Neil, Jr. of Kennebunk for appointment as a Justice to the Maine Superior Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

On September 7, 2011

Eric Cioppa of China for appointment as the Superintendent of Insurance.

Pursuant to Title 24-A, MRSA §201, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

On September 9, 2011

Earle Cianchette of Saco and

Jean E. Mattimore of Portland for appointment to the Board of Trustees, Maine Maritime Academy.

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

Lance Meadows of Castine for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to PL 1975, Chapter 771, Sec. 428, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Matthew Hoidal of Falmouth, Laurel Kelly of Dixmont and

Jason White of Rockland for appointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Frances Frost of Peaks Island,

David Gaul of Damariscotta,

Donald Miller of West Bath,

Joan Nason of Bath,

Lisa Penny of New Gloucester,

Diane St. Lawrence of New Portland and

Terri Thompson of Gorham for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Albert Hodsdon III of Fairfield and

The Honorable Douglas Smith of Dover-Foxcroft for appointment to the Efficiency Maine Trust.

Pursuant to Title 35-A, MRSA §10103, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Patricia W. Aho of Newcastle for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, MRSA Chapter 2 §341-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Robert Savage of Limington for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Richard Thurston of Scarborough for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

The Honorable John Brautigam of Falmouth for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

The Honorable Joseph Bruno of Raymond for reappointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Arnold S. Clark of Durham and

Deborah L. Whitworth of Portland for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Larry G. Mitchell of Winslow and

Raymond J. Nowak of Brunswick for appointment to the Finance Authority of Maine.
Pursuant to Title 10, MRSA §965, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Carol S. Bell of Presque Isle,
Michael L. Edgecomb of Spruce Head,
Daniel LaPointe of Van Buren,
Janet A. McGillan of Fort Fairfield and
Miles R. Williams of Caribou for appointment to the Loring Development Authority of Maine.
Pursuant to Title 5, MRSA §13080-B, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Susan L. Higgins of Kennebunk for appointment to the Maine Labor Relations Board.
Pursuant to Title 26, MRSA §968, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Jennifer J. Duddy of Cape Elizabeth for appointment to the Maine Unemployment Insurance Commission.
Pursuant to Title 26, MRSA §1081, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Sebastian Belle of Hallowell and
Jennifer Bichrest of Topsham for appointment to the Marine Resources Advisory Council.
Pursuant to Title 12, MRSA §6024, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.
On September 12, 2011
Alvin Ahlers of North Yarmouth,
Gary Curtis of Bethel and
Robert Foley of Wells for appointment to the Board of Environmental Protection.
Pursuant to Title 38, MRSA §341-C, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.
Susan Lessard of Hampden for reappointment to the Board of Environmental Protection.
Pursuant to Title 38, MRSA §341-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.
Michael A. Duguay of Waterville,
Jason W. Elliott of Bangor and
Renee W. Kelly of Carmel for appointment to the Board of Trustees, Maine Rural Development Authority.
Pursuant to Title 5, MRSA §13120-D, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Peter Anastos of Yarmouth,
Donald F. Capoldo, Jr. of Bath,
Lincoln J. Merrill, Jr. of North Yarmouth and
John C. Turner of Auburn for appointment to the Maine State Housing Authority.
Pursuant to Title 30-A, MRSA §4723, these appointments are contingent on the Maine Senate confirmation after review by the

Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Daniel A. Daggett of Woolwich,
John Dorrer of Brunswick,
John Shattuck of New Gloucester and
Lois Skillings of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.
Pursuant to Title 5, MRSA §13083-I, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
The Honorable Harry W. Bailey of Grand Lake Stream,
William A. Daye of Lubec,
Marianne Moore of Calais,
Linda S. Pagels-Wentworth of Baileyville and
S. Dean Pike of Eastport for appointment to the Washington County Development Authority.
Pursuant to Title 5, MRSA §13083-C, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.
Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 258)

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

September 26, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:

Please be advised that pursuant to Title 3 MRSA, §154, Governor Paul R. LePage has withdrawn the following nominations:
On September 1, 2011, the nomination of Ann-Marie Grenier of Windham for appointment as a member of the Inland Fisheries and Wildlife Advisory Council, this nomination is currently pending before the Joint Standing Committee on Inland Fisheries and Wildlife.
On September 7, 2011, the nomination of Virginia Jennings of South Berwick for appointment as a member of the Inland Fisheries and Wildlife Advisory Council, this nomination is currently pending before the Joint Standing Committee on Inland Fisheries and Wildlife.
On September 9, 2011, the nomination of Jonathan Kenerson for appointment as a member of the State Board of Education, this nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.
On September 12, 2011, the nomination of Miles R. Williams of Caribou for appointment as a member of the Loring Development Authority of Maine, this nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 259)

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

September 26, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority, I have appointed the following members to serve on advisory commissions, advisory councils, committees, commissions, compacts, task forces and work groups:

Governor's Ocean Energy Task Force, Executive Order 20 FY 08/09

Representative Dianne C. Tilton of Harrington

Representative W. Bruce MacDonald of Boothbay

Governor's Task Force on Expanding Early Post-Secondary Access for High School Students in Maine, Executive Order 19, FY 11/12

Representative Joyce A. Maker of Calais

Representative Mary Pennell Nelson of Falmouth

Organ Donation Advisory Council, Public Law 2011, Chapter 168

James F. Whiting MD of Portland, serving as a doctor experienced in organ and tissue transplantation

Sean Fitzpatrick of Waltham, MA, serving as a representative of a federally designated organ procurement organization serving the state

Patti C. Campbell, serving as a public representative with experience in the field of organ and tissue donation or transplantation

State Planning Office Working Group, Public Law 2011, Chapter 380, Part FF

The Honorable David E. Bowles of Sanford, representing a member of a municipal or regional governing body.

Dorothea Dix Psychiatric Center Working Group, Public Law 2011, Chapter 380, Part NN

Representative Sara R. Stevens of Bangor

Task Force on Franco-Americans, Resolve 2011, Chapter 102

Representative Kenneth W. Fredette of Newport, House Chair

Representative Brian D. Bolduc of Auburn, serving as a member of the House

Yvon Labbe of Greenville, serving as a member of the public

Juliana J. L'Heureux of Topsham, serving as a member of the public

The Honorable Severin M. Beliveau of Hallowell, serving as a member of the public

Commission to Study Priorities and Timing of Judicial Proceedings in State Courts, Resolve 2011, Chapter 104

Representative G. Paul Waterhouse of Bridgton, House Chair

Representative Ralph W. Sarty, Jr. of Denmark

Representative Maeghan Maloney of Augusta

Blue Ribbon Commission on Affordable Housing, Resolve 2011, Chapter 108

Representative Andre E. Cushing III, who will be representing a member of the House who serves on the Joint Standing Committee on Labor, Commerce, Research and Economic Development

Representative Robert B. Hunt of Buxton, who will be representing a member of the House who serves on the Joint

Standing Committee on Labor, Commerce, Research and Economic Development

Kevin R. Bunker of Portland, representing a developer of affordable housing

Brenda C. Gallant of Wiscasset, representing a statewide nonprofit group that advocates on behalf of seniors

Jonathan P. LaBonté of Lewiston, representing an organization that practices conservation planning

C. Wesley Phinney, Jr. of Waterboro, representing a statewide group that is dedicated to providing affordable housing

Patti E. Lawton of Richmond, a Realtor who will be representing a statewide real estate organization

Committee to Review Issues Dealing with Regulatory Takings, Resolve 2011, Chapter 111

Representative Andre E. Cushing III of Hampden, House Chair

Representative Joan M. Nass of Acton

Representative Charles R. Priest of Brunswick

Catherine R. Connors of Kennebunk, who will represent private attorneys

Clark A. Granger of Woolwich, who will represent the business sector

Commission to Study Allocations of the Fund for a Healthy Maine, Resolve 2011, Chapter 112

Representative Deborah J. Sanderson of Chelsea, House Chair, a member of the Joint Standing Committee on Health and Human Services, representing the party holding the largest number of seats in the Legislature

Representative Meredith N. Strang Burgess of Cumberland, a member of the Joint Standing Committee on Health and Human Services, representing the party holding the largest number of seats in the Legislature

Representative Tyler Clark of Easton, a member of the Joint Standing Committee on Appropriations and Financial Affairs, representing the party holding the largest number of seats in the Legislature

Representative Mark W. Eves of North Berwick, a member of the Joint Standing Committee on Health and Human Services, representing the party holding the second largest number of seats in the Legislature

Dr. Sheila G. Pinette of Cape Elizabeth, serving as a person who possesses expertise in the subject matter of the study under this resolve

Dr. Joel A. Kase of Lewiston, serving as a representative of a statewide organization of public health professionals

Thomas M. Kivler of Pownal, serving as a representative of the organizations providing services supported by funds from the Fund for a Healthy Maine

Lisa C. Kavanaugh of Winthrop, serving as a representative of a public health organization or agency operating in a rural community

Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory, Resolve 2011, Chapter 113

Lynda N. Quinn of Skowhegan

Right to Know Advisory Committee, Title 1 MRSA Chapter 13 §411

William P. Logan of Augusta, representing the public Legislative Youth Advisory Council, Title 3 MRSA §168-B

Tyler A. Beardsley of Surry

Rami Blair of Bangor

Scott B. Espling of New Gloucester

Morgan R. Fredette of Newport

Jennifer Newendyke of Litchfield

James R. Seavey of Baileyville

Sophia Tremblay of Acton

Mikeckney R. Ward of Oxford

Maine-Canadian Legislative Advisory Commission, Title 3 MRSA §227

Representative Jeffery A. Gifford of Lincoln

Representative Kenneth W. Fredette of Newport

Pursuant to Title 3 MRSA §231, members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission shall be the members who are appointed to the New England and Eastern Canada Legislative Commission.

Maine-Canadian Legislative Advisory Commission, Title 3 MRSA §227

Timothy C. Walton of Fayette

Permanent Commission on the Status of Woman, Title 5 MRSA §7030

Karen H. Raye of Perry

Ruth A. Summers of Scarborough

Cheryl C. Timberlake of Mount Vernon

Advisory Committee on Dental Education, Title 20-A §12304

Representative Beth A. O'Connor of Berwick

Representative Heather W. Sirocki of Scarborough

Interstate Compact on Educational Opportunity for Military Children, Title 20-A §20108(D)

Representative Alexander Cornell du Houx of Brunswick

Representative Peter B. Johnson of Greenville

Technical Advisory Group on Surface Water Ambient Toxics Program, Title 38 MRSA §420-B

Representative Windol C. Weaver of York

Please let me know if you have any questions regarding these appointments.

S/Robert W. Nutting

Speaker of the House

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

The following items were taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Marc Miclon, of Buckfield, and the Oddfellow Theater, in Buckfield, for their providing entertainment to the Buckfield area the past 14 years. Mr. Miclon is the owner of Oddfellow Theater, a 150-seat live venue, where he began hosting improvisational comedy shows on the stage. He also had many musical acts perform, and one of his first guests was Ray LaMontagne, who won a 2011 Grammy award for Best Folk Album, and who performed in Buckfield at least two dozen times. Mr. Miclon never accepted money for his acting in his own act, the Early Evening Show, which he modeled on the Tonight Show. We send Mr. Miclon our appreciation for his years of contributions to the community;

(HLS 762)

Presented by Representative HAYES of Buckfield.

Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative HAYES of Buckfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A decade and a half, essentially the lifespan of the youngest child, Mike and Kim Miclon have been an asset to my town and the surrounding

community and I really appreciate your indulgence to recognize some of their contributions here this morning. What's different now in Buckfield, Eastern Oxford County, because of Mike and Kim and their family's commitment and their contributions to our community? They spent some time of trying to take an inventory of what I knew on a personal level of what was different. Some of the things that I came up with are real strong bragging points and others are a little bit humorous. You've heard already about Ray Lamontagne, a local musician. You may have heard of the award winning EepyBird group. This is Fritz and Steve, better known as the Diet Coke and Mentos Guys. It's real interesting when you're traveling and that's how people know your home town, because of the guys that drop Mentos into sodas. Well, Mike Miclon has been very connected with these guys and helped them launch their careers as well. Mike and Kim and their three boys, all of whom are here today, are in large part responsible for a very vibrant performing arts program at our local high school, so much so that now it's the cool thing to be in the play, it's the cool thing to be on the set crew, and when these folks, when the school community got together to do "The Wizard of Oz" this past spring, everybody was involved. It was fabulous. We would not have that vibrant performing arts program without the commitment that Kim and Mike have made to our town and our community.

We've also become a bit of a destination spot. Buckfield now has an office of tourism and if you show up at the theatre in October, you'll have an opportunity to learn more about how they promote the local area. We also had, at least based on what I've been able to determine, the only waterless synchronized swimming team in the State of Maine. It's hilarious to watch them perform. Buckfield has in fact more jugglers per capita than any other town in the State of Maine, we're just all trying to figure out how to make a living doing it, and we have a tag line that Mike uses consistently. He travels far and wide entertaining. If any of you are going to the Efficiency Maine annual dinner later in October, Mike will be the MC for that event. You'll have a chance to experience his humor firsthand. But basically when Mike ends a show, he ends it with "Buckfield, who knew?" The reason we can say that is because of Mike and Kim and the commitment they've made to our community and their three sons Collin, Shane and Brian, and I thank you so much for allowing us this little bit of time to recognize their contributions.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to take a brief moment to also recognize Mike and Kim and remind you that they are members of the creative economy. They are among the many who bring tourism to the State of Maine, bring vibrancy to our schools, create the creative urge that provides the opportunity for young people to want to solve problems and to contribute to this state, and having had the opportunity to work with Mike and to have seen the Early Show, I can only recommend to you it is time well spent to go and see the show. But who knew? Thank you.

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

Recognizing:

Janie Pitcher, of Etna, on the occasion of her retirement as the Finance and Human Resource Officer for the Town of Hampden after 9 years of exemplary service. Ms. Pitcher started out as a part-time finance clerk and progressed to the position from which she is retiring. She is known for her professionalism

and caring and compassionate manner. Ms. Pitcher has also contributed to the community outside of municipal government. During Operation Iraqi Freedom, she and her husband Pete, a Purple Heart Veteran who served in the Vietnam War, organized a program to send care packages to a Maine unit. We join the Town of Hampden in sending Ms. Pitcher appreciation for her deep commitment to her profession, the community and the State of Maine. We extend our congratulations and best wishes to her on her retirement;

(HLS 787)

Presented by Representative CUSHING of Hampden. Cosponsored by Senator PLOWMAN of Penobscot, Representative RICHARDSON of Carmel.

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the great pleasures of our role as legislators is to recognize those who have risen above the requirements of their employment to give greater service to their colleagues, employers, and communities. Today I wish to take a moment to recognize one of those individuals.

Janie Pitcher began her tenure with the town of Hampden as a part-time finance clerk, but quickly proved her value and willingness to help. She moved into the role of finance and human resources officer, and in doing so, built a system that provided the checks and balances necessary for good municipal financial management. Her diligent efforts on behalf of the community were instrumental in creating a financial accounting and recordkeeping system for the community that has resulted in unqualified audit opinions for the town and a stable fiscal basis for the community. Her work in human resources has helped the town's employees during the highest and lowest points in their lives and she has performed this work in a professional but caring and compassionate manner. Janie always performed her work for the town with the belief that the residents were valuable customers and should be treated with efficient service and respect. Her contributions continue beyond her employment with the town, not only because of the system she developed but because of her training of her successor. In addition, as was pointed out in the sentiment, Janie is also a worker on projects outside of municipal government as she has done during Operation Iraqi Freedom with her husband Pete and others, organizing care packages to send to units that were shipped from Maine. They have collected these donations for these packages from employees in the town office in Hampden, but much of the cost of assembling these packages was borne solely by she and her husband. She cared deeply, very deeply that is for the men and women overseas and wanted them to know there are people back home that cared and who remembered. The town of Hampden was fortunate to have her services. Janie Pitcher is a shining example of good government and is such a credit to her community, her family, and the State of Maine. Thank you, Mr. Speaker.

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

In Memory of:

the Honorable Philip Roy Bennett, Jr., of Caribou, former Member of the House of Representatives and prominent member of his community. Mr. Bennett was born in Caribou and was a

graduate of Caribou High School, class of 1962. He received his Bachelor of Science degree from Fort Kent State Teachers College and taught school in Caribou for a number of years. He was also a freelance court reporter, owning and operating Bennett Legal Transcript Services. Mr. Bennett represented Caribou in the Maine Legislature for 3 terms, from 1975 to 1978 and 2003 to 2004. He also served on the Caribou City Council for 25 years, serving as Mayor of Caribou for 6 terms. Mr. Bennett served as a reserve police officer with the Caribou Police Department as well as a deputy sheriff with the Aroostook County Sheriff's Department. We acknowledge Mr. Bennett's deep commitment to his community and to the State. He will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched;

(HLS 781)

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Senator JACKSON of Aroostook, Representative EDGEComb of Caribou, Representative AYOTTE of Caswell, Representative CLARK of Easton, Representative FITZPATRICK of Houlton, Representative LONG of Sherman, Representative THERIAULT of Madawaska, Representative WILLETTE of Mapleton, Representative WILLETTE of Presque Isle, Senator SHERMAN of Aroostook.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. The sentiment that you have before you clearly lays out Phil Bennett's life representing the people of Caribou as a teacher and as a legislator, and he served three terms in this body with me and was always very active in the community as well. Last week, he passed away at a young age and it was rather unfortunate but those things, basically, life, we never know what it brings to all of us. But he was one heck of an individual and served the people of Caribou extremely well.

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

COMMUNICATIONS

The Following Communication: (S.P. 521)

**MAINE TURNPIKE AUTHORITY
PORTLAND, MAINE**

September 7, 2011

The Honorable Kevin L. Raye, President of the Senate
3 State House Station
Augusta, Maine 04333

The Honorable Robert W. Nutting, Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Raye and Speaker Nutting,

In July the board of the Maine Turnpike Authority voted to request the Legislature's Joint Standing Committee on Transportation to hold a hearing confirming Peter Mills' appointment for his first full year term as Executive Director of the Maine Turnpike Authority, pursuant to 23 MRSA, 1964-A. I have enclosed a letter I sent to the chairs of the transportation committee requesting that they schedule a hearing on this appointment at their upcoming September 26th meeting.

Please let me know if you have any questions on this request or if you need any more information from me.

Sincerely,

S/Jonathan Arey

Staff Attorney

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Joint Order

Commission to Reapportion Maine's Congressional Districts
Bill "An Act To Reapportion the Congressional Districts of the State" (EMERGENCY)

(H.P. 1195) (L.D. 1590)

Sponsored by Representative FOSSEL of Alna.

Submitted by the Commission to Reapportion Maine's Congressional Districts pursuant to Joint Order 2011, H.P. 1186.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Representative FREDETTE of Newport **PRESENTED House Amendment "C" (H-681)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first would like to thank the Speaker for the opportunity to serve on this commission. I'd like to thank the members of the commission that spent many days and nights this summer working on this task force. In particular, the people in this body, Representative Les Fossel, Representative Rich Cebra, Representative Henry Beck, Representative John Martin, and Representative Joan Welsh that worked very hard on this task and ultimately is coming forward today with a unified plan to seek its adoption here, Mr. Speaker.

I would just like to say in beginning that Maine is not Washington, D.C. In Washington, D.C., we see a paralysis on many issues including fighting multiple wars on multiple fronts, economic conditions of near stagflation that don't get properly addressed, and a budgeting process that is done by continuing resolutions rather than setting priorities of dealing with priorities and a proper debt process to deal with those priorities. Here in Maine, we have been able to work together as a consensus within both bodies and the Governor's office to pass a budget by a two-thirds, to pass regulatory reform, LD 1, by two-thirds, and I ask this body today to pass this bill which is a unified plan to redistrict our two Congressional seats by a two-thirds vote. And I don't think that's insignificant in this day and age that we're able to do that and that we as a body are able to do that.

We are here today because of a case brought before in the federal courts called *William Desena & Sandra Dunham versus the State of Maine*, and in that case, essentially what we determined was is that there needs to be one person and one vote, which essentially means that we have two Congressional Districts and that the bottom line is that we need to have equality in the number of voters in both of those districts. The plan that we put forth today, Mr. Speaker, does that and so I think we've accomplished the task that the federal court has designated for us. It eliminates multiple concerns that we had in terms of the process going forward. We had possible federal action that could have been taken had we not been able to reach a consensus in the federal courts, we had possible state court action in the State Supreme Court had we not been able to reach a consensus, and

we had a possible statewide resolution which could have also added some uncertainty to this process. And so I think that both parties have stepped forward and have stepped up to reach an agreement which provides a plan which meets constitutional statutory standards. The plan has only a deviation of one. It splits only one county. It does not split any towns. It meets compactness and contiguous tests, and it's something that both parties have reached as a consensus. I think that that is a terrific accomplishment of both parties. I want to congratulate the leadership of both the House and the other body and the Governor's office and the people on the commission, and I would ask that the people in this body today follow my light and support this amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. I join in the words of the Representative from Newport, Representative Fredette, in urging everyone in this body to support the amendment that you have before you. Amendment "C" solves the problem of the bill, solves the problem of House Amendment "A" and no need for me to offer House Amendment "B." And so all in one amendment we are able to solve the issue before us and to bring this matter to a close. It's been an interesting summer. We met more times than perhaps some of us wanted to, but eventually it got to a successful, in a way I want to say victory for the people of Maine, so that we don't have to bring this any further through the courts or any other process. It could have been, I think, a very awful process and as some of us talked, especially the Representative from Newport, Representative Fredette, I think on Thursday or Friday of last week, are we going to have a train wreck or not, and in the end we came together and that, I think, proves the ability of people working together if they want to get there and so I urge your unanimous support for the amendment.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose adoption of House Amendment "C." I, too, thank all the fellow members of the commission for their work, but I oppose this change to Maine's Congressional District lines because a formal plan to move Waterville and Winslow to a new Congressional District never received a formal public hearing. It would not be, I don't think, a violation of the court's order or a train wreck to have held a formal public hearing on this plan. I am also most concerned that the Waterville/Winslow area will lose a federal Congressional District office in downtown Waterville, which provides service to thousands of residents in Kennebec and Somerset Counties. Thank you, Mr. Speaker.

Subsequently, **House Amendment "C" (H-681)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-681)** and sent for concurrence.

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

At this point, the Speaker recognized the Representative from Auburn, Representative BOLDUC, and he was added to the quorum call of the First Special Session of the 125th Legislature.

Pursuant to Joint Order

Commission to Reapportion Maine's Congressional Districts

Bill "An Act To Reapportion Maine's Congressional Districts" (EMERGENCY)

(H.P. 1196) (L.D. 1591)

Sponsored by Representative MARTIN of Eagle Lake.

Submitted by the Commission to Reapportion Maine's Congressional Districts pursuant to Joint Order 2011, H.P. 1186.

READ.

On motion of Representative MARTIN of Eagle Lake, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

At this point, the Speaker recognized the Representative from Sanford, Representative TUTTLE, and he was added to the quorum call of the First Special Session of the 125th Legislature.

The following items were taken up out of order by unanimous consent:

ENACTORS

Emergency Measure

An Act To Reapportion the Congressional Districts of the State

(H.P. 1195) (L.D. 1590)
(H. "C" H-681)

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

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

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 222

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Long, Lovejoy, Luchini, MacDonald, Maker,

Maloney, Martin, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beck, Longstaff, Parker.

ABSENT - Cebra, Celli, Flemings, Libby, Malaby, Mazurek, Willette A.

Yes, 140; No, 3; Absent, 7; Vacant, 1; Excused, 0.

140 having voted in the affirmative and 3 voted in the negative, 1 vacancy with 7 being absent, accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

CONSENT CALENDAR

First Day

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

(H.P. 1192) (L.D. 1589) Bill "An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-682)**

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

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs" (EMERGENCY)

(H.P. 1192) (L.D. 1589)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682) in the House on September 27, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682) AND SENATE AMENDMENT "A" (S-370)** in **NON-CONCURRENCE.**

Representative PLUMMER of Windham moved that the House **ADHERE.**

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Criminal Justice and Public Safety Committee put in a long day yesterday rehashing, in essence, a bill that we had passed initially last spring and the bill was watered down for fear that we could not find the funding. Some of us came to realize that that was a mistake and I do appreciate the people that worked on that bill in the Criminal Justice Committee and how hard the committee worked. Some people have called the bill we passed useless. I don't agree with that. It gave us the foundation for building the

work that we built yesterday. The Criminal Justice Committee delivered a report to this body, which we believe was the best possible bill that we could introduce. It is still the best possible bill that we could introduce and for some reason there are members of the other body who would like to see it, in my words, watered down again, because I do not support watering this bill down. I believe that we must adhere, send it back to the other body and let them vote affirmatively on LD 1589. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in concurrence with the motion just made by the good Representative from Windham, Representative Plummer, and I also would hope that this body would support us in adhering to the work that we did, both the work that we did in the committee. That work was not done callously or slowly or without extreme regard for both sides of the issue around drugs in our culture and drugs in our state, the harm that's been done and that's being done. This bill is consistent with the other serious drugs that are in our code. It is consistent with heroin and methamphetamine and with cocaine, and to think that this drug is less serious than any of those is solely misrepresented by the testimony that we heard yesterday and the information that we received and looked at carefully in our committee, both when the first bill came forward from Representative Berry and when this bill came forward from Representative Damon. I appreciate those bills being brought forward to the committee, but I believe that the action that we took in this body is consistent with the unanimous Committee Report and I urge the adherence of the House to the vote that we took earlier today. Thank you, Mr. Speaker.

Subsequently, the House voted to **ADHERE. ORDERED SENT FORTHWITH.**

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**ENACTORS
Emergency Measure**

An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs

(H.P. 1192) (L.D. 1589)
(C. "A" H-682)

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

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending Enactment of this legislation and I do so thinking of one constituent, in particular, and his family who testified yesterday on the bill and the promise that I made to them that we would do not only what is in this bill, which they supported, but also what is not in the bill. Over the next year, we must make sure our courts, treatment providers, law enforcement, corrections, and public health systems all have the resources they need to respond to

this new epidemic. The measures that we enact today will provide very important tools to all of those individuals and stakeholders, but I don't think they'll provide everything that is needed. We protected some things in the budget that will help enormously to provide what is needed. Great strides are being made in educating the public through Healthy Maine partnerships. Great work is being done by the Office of Substance Abuse, by medical practitioners, by law enforcement around our state, and what we do here will help those individuals to do their job. But I think it's safe to say that bath salts are here to stay, at least for now. The test of this coming year will be whether we have the will to address the coming threat on all fronts, including proper education and treatment. Ten years from now I believe we can and should look back on bath salts as we look back today on PCP. We followed through on our actions with robust treatment and education. That day will arrive sooner. So our work today is the first step, it's an important one, there is more to be done and I look forward to tackling those steps with everyone here in January. Thank you, Mr. Speaker.

Representative CURTIS of Madison **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 223

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

NAY - NONE.

ABSENT - Burns DR, Cebra, Celli, Crafts, Crockett, Flemings, Libby, Malaby, McFadden, Peoples, Richardson W, Welsh, Willette M.

Yes, 137; No, 0; Absent, 13; Vacant, 1; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The House recessed until the Sound of the Bell.

(After Recess)

On motion of Representative RANKIN of Hiram, the House adjourned without day at 8:04 p.m., Tuesday, September, 27 2011.

The House was called to order by the Speaker.

At this point, a message came from the Senate borne by Senator PLOWMAN, of Penobscot of that Body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative CURTIS of Madison on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor PAUL RICHARD LePAGE, and inform him that the House had transacted all business before it and was ready to adjourn without day:

Representative PLUMMER of Windham
Representative BURNS of Whiting
Representative LONG of Sherman
Representative MORISSETTE of Winslow
Representative SANDERSON of Chelsea
Representative HASKELL of Portland
Representative HANLEY of Gardiner
Representative LAJOIE of Lewiston
Representative BLODGETT of Augusta
Representative CLARKE of Bath

Subsequently, Representative CURTIS reported that he had delivered the message with which he was charged.

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

Representative **CLARK**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. On the record, I'm going to keep you for a little while, ladies and gentlemen. I've been waiting for this for a long time. I want to give you a little report on what's happening in the Katahdin area. If you haven't been reading the papers, we have a new buyer. With the new buyer comes people are being hired as I speak, will go back to work. One hundred and fifty people to start with. We're going to start a number 6 paper machine. We already have contracts with pulp, getting people back into the mills. They have orders come the second in October to ship paper, so on behalf of myself and everybody in the Katahdin area, the people who stuck with me, the lawyers who didn't think it was going to go anywhere. Lawyer people thought the mills were never going to start, but the mills are going to start and I want to thank each and every one of you for being part of it and hope it stays on forever. Thank you very much, Mr. Speaker.

Subsequently, the Committee reported that they had delivered the message with which they were charged.
