

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

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

Three Members of the same Committee report in Report "B"
Ought to Pass on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
FLEMINGS of Bar Harbor
PILON of Saco

One Member of the same Committee reports in Report "C"
Ought Not to Pass on same Bill.

Signed:

Representative:

BRYANT of Windham

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-255)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

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

CONSENT CALENDAR

First Day

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

(S.P. 151) (L.D. 518) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)**

(S.P. 312) (L.D. 992) Bill "An Act To Amend the Depuration Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(H.P. 1041) (L.D. 1415) Bill "An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 159) (L.D. 182) Bill "An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 299) (L.D. 373) Bill "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis" Committee on **JUDICIARY** reporting

Ought to Pass as Amended by Committee Amendment "A" (H-269)

(H.P. 482) (L.D. 652) Bill "An Act To Amend Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

(H.P. 501) (L.D. 671) Bill "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 1074) (L.D. 1459) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 574) (L.D. 767) Bill "An Act To Amend and Clarify Certain Portions of the Dental Practice Laws"

(H.P. 1050) (L.D. 1429) Bill "An Act To Amend the Laws Governing Prescription Monitoring Information"

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

BILLS IN THE SECOND READING

House

Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

(H.P. 318) (L.D. 392)

House as Amended

Bill "An Act To Improve the Maine Seed Capital Tax Credit"

(H.P. 14) (L.D. 22)

(C. "A" H-217)

Bill "An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles"

(H.P. 710) (L.D. 966)

(C. "A" H-254)

Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

(H.P. 822) (L.D. 1110)

(C. "A" H-251)

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

ENACTORS

Emergency Measure

An Act To Ensure Regulatory Fairness and Reform

(S.P. 10) (L.D. 1)

(C. "A" S-87)

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

Representative MCKANE of Newcastle **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 PRO TEM: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. I know this bill would have gone safely by, but I thought I ought to say a word and maybe some of my committee members would also.

LD 1 represents an incredible amount of work and a unanimous report at the end of it. We went to, as you all know, seven offsite hearings. I think that's one of the reasons that we worked so hard together is that we all got the same message as we went to those offsite hearings. We listened to community leaders, business leaders, fishermen, farmers, workers. What they said in pretty much a unified voice was listen to us, understand what it takes to run a business in Maine, concern yourself with our wellbeing, don't make us jump through bureaucratic hoops, we understand the need for rules and regulations, just don't forget us. But overall, they said make it easier to run a business in the State of Maine, but do it in an environmentally aware way. That was a very strong message. We heard it and we worked very hard together for quite awhile.

I just want to thank some of the folks that helped us out. The clerk, Darlene Simoneau; OPLA analyst Patrick Norton put in an incredible amount of time, both of them; the Secretary of State's Office; the Attorney General's Office; the Department of Environmental and Community Development; the Fire Marshal's Office; the environmental lobby; the business lobby; and there were more that all put a lot of time into that. So I want to thank them and thank the committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise reluctantly because I have to compliment my chair, the Representative from Newcastle, Representative McKane. Look at the Democrats on this committee: the Representative from Lewiston, Representative Carey, the Representative from Saco, Representative Valentino, the Representative from Hallowell, Representative Treat, and me. How would you like to chair that group?

We questioned everything. We tested our chair's patience many times, over and over, and in the end came out with a unanimous report that members can support enacting into law immediately. We honored the process and the process worked. If you work something long and hard, if you listen to the people, if you listen to each other, if you could put aside partisan politics long enough to define the actual problem, you can define the actual solution. So my thanks to the committee for all the hard work, to our chair for his leadership, and I thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to recognize the other committee members on that. Not all of you are familiar with them. Obviously our thanks go out to Representative Jonathan McKane from Newcastle who is the chair, but also the good Representative from Pittsfield, Representative Fitts, the Representative from Harrington, Representative Tilton, the Representative from Waldoboro, Representative Dow, the Representative from Raymond, Representative McClellan, the Representative from Veazie, my seatmate in the committee, Representative Parker, who I thoroughly enjoyed getting to meet, and the Democratic members which were just mentioned on that.

I would like to also thank the over 700 people who showed up at our seven listening sessions that provided us with hundreds of hours of testimony. This translated into thousands of pages of testimony, charts, graphs, side by side in numerous language revisions, all done by our extraordinary staff of Pat Norton and Darlene Simoneau.

LD 1 is a unanimous report, but it took us four and a half months to get this unanimous nonpartisan position. It was not all Kumbaya, although the minibus trips in the dead of winter to Presque Isle and Machias did have the Kumbaya moments as we munched on homemade cookies, read the paper, did crossword puzzles, and even learned the cryptoquip.

After compiling all the information gained on our listening sessions, the committee reviewed each issue and decided that many issues were best sent to the committees of jurisdiction for those committees to work on the specific items. Therefore, I would like to thank every committee that became part of the listening sessions we had and worked on all of the items that were sent to them.

Our committee also broke down into several subcommittees where we worked on specific issues to report back to the full committee. I was on the DEC subcommittee where we worked on the ombudsmen, special advocate, and other DEC issues with stakeholders. We probably went through 10 versions of just the special advocate until we could reach a consensus on language. That was how the Regulatory Fairness and Reform Committee operated. Every member was vocal, engaged, and had their concerns aired.

On the last day, on the last hour when we were ready for a final vote on this bill, one member spoke up and had a concern with two sentences in the final bill. The committee chairs broke for two and a half hours, did not take a vote, went in and worked out this language with the committee members, and we came out and voted on the final version where we could all agree on it.

LD 1 is like the old Virginia Slims slogan: "You've come a long way, baby." The LD 1 before you is not the same LD 1 that was printed in January. LD 1 before you today is a good bill that will have an immediate effect on businesses and was done in a totally nonpartisan way and I applaud every member who voted for it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker Pro Tem. I rise just to say that I'm very proud of the work that I and the other 14 members of my committee did. This is what the people of Maine expect from us when they sent us to Augusta. Thank you, Mr. Chair. Thank you, members of the committee. Thank you, Mr. Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Being a freshman, this is quite an experience for me. I sort of got tested I guess by fire. We went into there with a lot of different ideas. We got a lot of input from the various communities we visited around the state. We really got a directive.

I have to say I'm very impressed with how well our committee worked together, how we came to a unanimous decision when this was all done. There was a lot of give and take. I'm sure everyone didn't get all they wanted and probably that's the best way it could all happen. I just want to say I really appreciate this experience and I enjoyed working with both sides of the aisle in this particular endeavor and I'm glad we came to the decision we did. Thank you.