

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 3, 2008 – May 27, 2009

Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
10th Legislative Day
Tuesday, February 10, 2009

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

Prayer by Reverend Tim Wilcox, Fairfield and Fairfield Center United Methodist Churches.

National Anthem by Erskine Academy Vocal Ensemble, South China.

Pledge of Allegiance.

Doctor of the day, Jonathan Fanburg, M.D., Ellsworth.

The Journal of Thursday, February 5, 2009 was read and approved.

SENATE PAPERS

Bill "An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway"

(S.P. 118) (L.D. 354)

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion of Representative PIEH of Bremen, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 47)

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

February 9, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Public Law 2007, Chapter 683, I am pleased to appoint the following Representatives to serve on the Maine Children's Growth Council.

Representative Seth A. Berry of Bowdoinham

Representative Meredith N. Strang Burgess of Cumberland

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 143)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009

Sen. Lawrence Bliss

Senate Chair, Joint Standing Committee on Judiciary

Rep. Charles R. Priest

House Chair, Joint Standing Committee on Judiciary

124th Legislature

Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated Chief Justice Leigh Ingalls Saufley of Portland for reappointment to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **JUDICIARY**.

READ and REFERRED to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 144)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009

Sen. Lawrence Bliss

Senate Chair, Joint Standing Committee on Judiciary

Rep. Charles R. Priest

House Chair, Joint Standing Committee on Judiciary

124th Legislature

Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated John Levy of Portland for reappointment as Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **JUDICIARY**.

READ and REFERRED to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 145)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009

Sen. Lawrence Bliss

Senate Chair, Joint Standing Committee on Judiciary

Rep. Charles R. Priest

House Chair, Joint Standing Committee on Judiciary

124th Legislature

Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated E. Allen Hunter of Caribou for reappointment as Justice to the Maine Superior Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 146)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009
Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:
Please be advised that Governor John E. Baldacci has nominated Joseph Jabar of Waterville for reappointment as Justice to the Maine Superior Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 147)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009
Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:
Please be advised that Governor John E. Baldacci has nominated John David Kennedy of North Yarmouth for reappointment as a Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 148)

STATE OF MAINE
124TH MAINE LEGISLATURE

February 4, 2009
Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated John Beliveau of Lewiston for reappointment as a Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.C. 38)

MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY

February 5, 2009
Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Paul K. Vestal of Plymouth for reappointment to the Maine Human Rights Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Kenneth W. Fredette of Newport for appointment to the Maine Human Rights Commission.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships"

(H.P. 301) (L.D. 413)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: DAVIS of Sangerville, GIFFORD of Lincoln, MARTIN of Eagle Lake, PIEH of Bremen, Senators: NUTTING of Androscoggin, SMITH of Piscataquis.

Bill "An Act Relating to Interference with Navigation on Inland Waters"

(H.P. 303) (L.D. 415)

Sponsored by Representative PENDLETON of Scarborough.
Cosponsored by Senator GOOLEY of Franklin and Representatives: BRIGGS of Mexico, BRYANT of Windham, CEBRA of Naples, VALENTINO of Saco, Senators: BRYANT of Oxford, DIAMOND of Cumberland.

Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

(H.P. 326) (L.D. 438)

Sponsored by Representative TARDY of Newport.
Cosponsored by Representative: CUSHING of Hampden, Senator: PLOWMAN of Penobscot.

Bill "An Act To Improve the Safety of Snowmobile Trails"

(H.P. 302) (L.D. 414)

Sponsored by Representative CONNOR of Kennebunk.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: ADAMS of Portland, BRYANT of Windham, CLEARY of Houlton, EATON of Sullivan, EBERLE of South Portland, LEGG of Kennebunk, PERCY of Phippsburg, Senator: SULLIVAN of York.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

On motion of Representative PIEH of Bremen, **TABLED** pending **REFERENCE** and later today assigned.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Provide Funding to the ElderCare Network"

(H.P. 304) (L.D. 416)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Senator TRAHAN of Lincoln and Representatives: BEAUDOIN of Biddeford, CAIN of Orono, DRISCOLL of Westbrook, FLOOD of Winthrop, LEWIN of Eliot, MILLETT of Waterford, Senators: PERRY of Penobscot, SIMPSON of Androscoggin.

Bill "An Act To Require State Employees To Pay 15% of Their Health Insurance Costs"

(H.P. 305) (L.D. 417)

Sponsored by Representative WEAVER of York.
Cosponsored by Senator NASS of York and Representatives: EDGECOMB of Caribou, FLETCHER of Winslow, McKANE of Newcastle, MILLETT of Waterford, ROBINSON of Raymond, TARDY of Newport, Senators: COURTNEY of York, TRAHAN of Lincoln.

Bill "An Act To Facilitate the Development of Ocean Wind Power"

(H.P. 306) (L.D. 418)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator SULLIVAN of York and Representatives: DAVIS of Sangerville, EBERLE of South Portland, GIFFORD of Lincoln, PERCY of Phippsburg, Senators: BLISS of Cumberland, SMITH of Piscataquis.

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy"

(H.P. 327) (L.D. 439)

Sponsored by Representative CAIN of Orono.
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: MARTIN of Orono, Speaker PINGREE of North Haven, ROSEN of Bucksport, SMITH of Monmouth, Senators: BARTLETT of Cumberland, RECTOR of Knox.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training

(H.P. 307) (L.D. 419)

Sponsored by Representative McKANE of Newcastle. (BY REQUEST)

Cosponsored by Senator TRAHAN of Lincoln and Representatives: COTTA of China, DRISCOLL of Westbrook, FLOOD of Winthrop, NUTTING of Oakland, PERRY of Calais, TREAT of Hallowell, Senators: MARRACHÉ of Kennebec, SIMPSON of Androscoggin.

Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation"

(H.P. 308) (L.D. 420)

Sponsored by Representative MARTIN of Orono.
Cosponsored by Representatives: AUSTIN of Gray, CLEARY of Houlton, HUNT of Buxton, SMITH of Monmouth, Senator: RECTOR of Knox.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists"

(H.P. 309) (L.D. 421)

Sponsored by Representative SMITH of Monmouth.
Cosponsored by Senator MILLS of Somerset and Representative: JONES of Mount Vernon.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act Regarding Exceptions to the Maine Uniform Building and Energy Code"

(H.P. 328) (L.D. 440)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Representatives: BURNS of Whiting, CORNELL du HOUX of Brunswick, DAVIS of Sangerville, JOHNSON of Greenville, SARTY of Denmark, SYKES of Harrison.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act Creating a Probationary Period for County Corrections Officials"

(H.P. 297) (L.D. 401)

Sponsored by Representative MAGNAN of Stockton Springs.
Cosponsored by Senator DAVIS of Cumberland and Representatives: BLODGETT of Augusta, GILBERT of Jay, HASKELL of Portland, Senator: GERZOFISKY of Cumberland.

Bill "An Act To Reinstate Rules Requiring Inspection of Chimneys upon the Sale or Transfer of Property"

(H.P. 321) (L.D. 433)

Sponsored by Representative ROSEN of Bucksport.

Cosponsored by Senator COURTNEY of York and Representatives: CELLI of Brewer, CHASE of Wells, HOGAN of Old Orchard Beach.

Bill "An Act To Establish the Crime of Motor Vehicle Violation Resulting in Death"

(H.P. 329) (L.D. 441)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Representatives: BLODGETT of Augusta, BROWNE of Vassalboro, CLARK of Millinocket, DAVIS of Sangerville, HASKELL of Portland, MAGNAN of Stockton Springs, SMITH of Monmouth, Senator: DIAMOND of Cumberland.

Bill "An Act To Require Prisoners To Perform Community Service and To Require Jails, Prisons, Nonprofit Entities, Universities and Counties To Compost Food Waste"

(H.P. 330) (L.D. 442)

Sponsored by Representative McFADDEN of Dennysville. (BY REQUEST)

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: AYOTTE of Caswell, CRAY of Palmyra, FLETCHER of Winslow, GIFFORD of Lincoln, JOY of Crystal, SAVIELLO of Wilton, THIBODEAU of Winterport.

Bill "An Act To Allow the Department of Corrections To Certify Community Intervention Programs"

(H.P. 343) (L.D. 481)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Representatives: BURNS of Whiting, LAJOIE of Lewiston, PLUMMER of Windham, SYKES of Harrison, Senators: DAVIS of Cumberland, GERZOFKY of Cumberland.

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections"

(H.P. 345) (L.D. 483)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Representatives: BURNS of Whiting, LAJOIE of Lewiston, PLUMMER of Windham, SYKES of Harrison, Senator: DAVIS of Cumberland.

Submitted by the Department of Corrections pursuant to Joint Rule 204.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Include the Study of Franco-American History in the System of Learning Results"

(H.P. 310) (L.D. 422)

Sponsored by Representative BOLDUC of Auburn.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: ADAMS of Portland, AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CLARK of Millinocket, CORNELL du HOUX of Brunswick, CROCKETT of Augusta, DOSTIE of Sabattus, DUCHESNE of Hudson, FLAHERTY of Scarborough, GILBERT of Jay, GOODE of Bangor, HASKELL of Portland, JOY of Crystal, LAJOIE of Lewiston, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, PIEH of Bremen, PRATT of Eddington, ROTUNDO of Lewiston, SIOIS of Turner, THERIAULT of Madawaska, THIBODEAU of Winterport,

TRINWARD of Waterville, TUTTLE of Sanford, WAGNER of Lewiston, Senators: CRAVEN of Androscoggin, GOODALL of Sagadahoc, NUTTING of Androscoggin, PERRY of Penobscot.

HEALTH AND HUMAN SERVICES

Bill "An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes"

(H.P. 311) (L.D. 423)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator SMITH of Piscataquis and Representative: DAVIS of Sangerville.

Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children

(H.P. 312) (L.D. 424)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CLEARY of Houlton, EATON of Sullivan, EVES of North Berwick, MILLER of Somerville, PENDLETON of Scarborough, PERRY of Calais, PILON of Saco.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Maintain and Improve ATV Trail Access"

(H.P. 298) (L.D. 402)

Sponsored by Representative WHEELER of Kittery.

Cosponsored by Senator BRYANT of Oxford and Representatives: BRIGGS of Mexico, BRYANT of Windham, CLARK of Millinocket, HARLOW of Portland, Senators: BOWMAN of York, GERZOFKY of Cumberland, JACKSON of Aroostook.

Bill "An Act To Limit the Use of Seaplanes on West Harbor Pond"

(H.P. 344) (L.D. 482)

Sponsored by Representative MacDONALD of Boothbay.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"

(H.P. 313) (L.D. 425)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: EATON of Sullivan, FLEMINGS of Bar Harbor, HUNT of Buxton, LEGG of Kennebunk, MILLER of Somerville, PERRY of Calais, TREAT of Hallowell.

Bill "An Act To Protect Consumers from Credit Card and Debit Card Holds"

(H.P. 334) (L.D. 446)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator BOWMAN of York and Representatives: BOLAND of Sanford, CASAVANT of Biddeford, CELLI of Brewer, GOODE of Bangor, MORRISON of South Portland, TREAT of Hallowell, TUTTLE of Sanford, WAGNER of Lewiston.

JUDICIARY

Bill "An Act To Allow Stepparents To Take Certain Actions with Respect to Their Stepchildren"

(H.P. 314) (L.D. 426)

Sponsored by Representative CLARK of Millinocket.

Bill "An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse"

(H.P. 315) (L.D. 427)

Sponsored by Representative EATON of Sullivan.

Cosponsored by Representatives: CLEARY of Houlton, CONNOR of Kennebunk, HUNT of Buxton, LANGLEY of Ellsworth, MILLER of Somerville, PENDLETON of Scarborough, TREAT of Hallowell.

Bill "An Act To Amend the Intestate Succession and Wills Laws Concerning Wrongful Death"

(H.P. 316) (L.D. 428)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator BLISS of Cumberland and Representative: PRIEST of Brunswick.

Bill "An Act To Increase the Jurisdictional Limit for Small Claims"

(H.P. 331) (L.D. 443)

Sponsored by Representative CLEARY of Houlton.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CONNOR of Kennebunk, CRAY of Palmyra, EATON of Sullivan, HILL of York, KRUGER of Thomaston, PRIEST of Brunswick, STEVENS of Bangor.

Bill "An Act To Improve Tribal-State Relations"

(H.P. 333) (L.D. 445)

Sponsored by Representative PRIEST of Brunswick.

Cosponsored by Senator BLISS of Cumberland and Representatives: BEAULIEU of Auburn, BRYANT of Windham, CLEARY of Houlton, CROCKETT of Bethel, HILL of York, MITCHELL of the Penobscot Nation, NASS of Acton, STEVENS of Bangor.

Bill "An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact"

(H.P. 346) (L.D. 484)

Sponsored by Representative MacDONALD of Boothbay. (BY REQUEST)

Bill "An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction"

(H.P. 332) (L.D. 444)

Sponsored by Representative CLEARY of Houlton.

Cosponsored by Representatives: BEAUDETTE of Biddeford, CRAY of Palmyra, EATON of Sullivan, HINCK of Portland, SMITH of Monmouth, THERIAULT of Madawaska, Senators: GERZOFKY of Cumberland, JACKSON of Aroostook.

Committee on **JUDICIARY** suggested.

On motion of Representative PRIEST of Brunswick, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

LABOR

Bill "An Act To Increase the Minimum Wage"

(H.P. 299) (L.D. 403)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BLODGETT of Augusta, GILBERT of Jay, Speaker PINGREE of North Haven, TRINWARD of Waterville, Senators: BARTLETT of Cumberland, GERZOFKY of Cumberland, President MITCHELL of Kennebec, SULLIVAN of York.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Increase Retail Sales of Wine"

(H.P. 317) (L.D. 429)

Sponsored by Representative PENDLETON of Scarborough.

Bill "An Act To Allow the Licensing of Minibars in Hotel Rooms"

(H.P. 318) (L.D. 430)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAULIEU of Auburn, RUSSELL of Portland, TRINWARD of Waterville, Senators: MARRACHÉ of Kennebec, PLOWMAN of Penobscot.

MARINE RESOURCES

Bill "An Act To Allow the Direct Sale of Shellfish to Retailers"

(H.P. 335) (L.D. 447)

Sponsored by Representative LANGLEY of Ellsworth.

Cosponsored by Representatives: CLARK of Easton, EATON of Sullivan, PRESCOTT of Topsham, TILTON of Harrington, WEAVER of York, Senator: ROSEN of Hancock.

NATURAL RESOURCES

Bill "An Act To Make the Site Location of Development Laws More Development Friendly"

(H.P. 319) (L.D. 431)

Sponsored by Representative FINCH of Fairfield.

STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature

(H.P. 322) (L.D. 434)

Sponsored by Representative FINCH of Fairfield.

Cosponsored by Representatives: JOY of Crystal, PEOPLES of Westbrook, SIROIS of Turner.

Bill "An Act To Modify the Informed Growth Act"

(H.P. 336) (L.D. 448)

Sponsored by Representative BEAUDETTE of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAULIEU of Auburn, CAMPBELL of Newfield, CLEARY of Houlton, CONNOR of Kennebunk, CRAY of Palmyra, CROCKETT of Augusta, JOY of Crystal, MacDONALD of Boothbay, SAVIELLO of Wilton, VALENTINO of Saco, WRIGHT of Berwick, Senators: MARRACHÉ of Kennebec, President MITCHELL of Kennebec.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County

(H.P. 337) (L.D. 449)

Sponsored by Representative BEAUDETTE of Biddeford.

Cosponsored by Senator SIMPSON of Androscoggin and Representatives: JOY of Crystal, McFADDEN of Dennysville, Senator: SHERMAN of Aroostook.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

TAXATION

Bill "An Act To Promote Property Tax Relief for Maine's Senior Citizens"

(H.P. 300) (L.D. 404)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: AUSTIN of Gray, BRIGGS of Mexico, CLARK of Millinocket, GILES of Belfast, HUNT of Buxton, KNIGHT of Livermore Falls, SARTY of Denmark, WELSH of Rockport.

Bill "An Act To Clarify the Sales Tax Exemption for Commercial Agricultural Crop Production" (H.P. 338) (L.D. 450)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator GOOLEY of Franklin and Representatives: CRAY of Palmyra, DAVIS of Sangerville, HARVELL of Farmington, SARTY of Denmark, THOMAS of Ripley.

TRANSPORTATION

Resolve, Directing the Department of Transportation To Install a Traffic Light at an Intersection in Sabattus (H.P. 323) (L.D. 435)

Sponsored by Representative DOSTIE of Sabattus.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, BOLDUC of Auburn, HANLEY of Gardiner, LAJOIE of Lewiston, SIROIS of Turner, VAN WIE of New Gloucester.

Bill "An Act To Include Trucks in the Definition of 'Low-speed Vehicle'" (H.P. 324) (L.D. 436)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, BROWNE of Vassalboro, CLEARY of Houlton, GILES of Belfast, HARLOW of Portland, HOGAN of Old Orchard Beach, MARTIN of Eagle Lake, ROSEN of Bucksport.

Bill "An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle" (H.P. 325) (L.D. 437)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BERRY of Bowdoinham, MAZUREK of Rockland, Speaker PINGREE of North Haven, ROTUNDO of Lewiston, SUTHERLAND of Chapman, Senators: BARTLETT of Cumberland, DAMON of Hancock.

Bill "An Act To Clarify the Law Regarding Reinstatement of a Driver's License" (H.P. 339) (L.D. 451)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator BRYANT of Oxford and Representatives: CLARK of Millinocket, CONNOR of Kennebunk, PRATT of Eddington, SHAW of Standish, THERIAULT of Madawaska, TREAT of Hallowell, WHEELER of Kittery, Senator: GERZOFKY of Cumberland.

Bill "An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District" (EMERGENCY) (H.P. 340) (L.D. 452)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Senator ALFOND of Cumberland and Representatives: COHEN of Portland, DRISCOLL of Westbrook, HINCK of Portland, LOVEJOY of Portland, PEOPLES of Westbrook, STUCKEY of Portland, Senators: BRANNIGAN of Cumberland, DAVIS of Cumberland.

Bill "An Act To Require Motorcyclists To Wear Helmets" (H.P. 341) (L.D. 453)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator BOWMAN of York and Representatives: BRIGGS of Mexico, CASAVANT of Biddeford,

CONNOR of Kennebunk, GOODE of Bangor, PRATT of Eddington, TUTTLE of Sanford, VALENTINO of Saco.

Bill "An Act To Allow Public-private Investment in Transportation Infrastructure Projects" (H.P. 347) (L.D. 485)

Sponsored by Representative MacDONALD of Boothbay.

Bill "An Act To Ensure That the Maine Turnpike Authority Conducts Public Hearings for Construction and Reconstruction Projects and That All Public Records of the Maine Turnpike Authority Are Open for Inspection"

(H.P. 320) (L.D. 432)

Sponsored by Representative HILL of York.

Cosponsored by Senator BOWMAN of York and Representatives: CLEARY of Houlton, CONNOR of Kennebunk, HASKELL of Portland, MARTIN of Eagle Lake, WEAVER of York, WRIGHT of Berwick, Senator: BARTLETT of Cumberland.

Committee on **TRANSPORTATION** suggested.

On motion of Representative MAZUREK of Rockland, **TABLED** pending **REFERENCE** and later today assigned.

Pursuant to Statute

Department of Health and Human Services

Representative PERRY for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance (EMERGENCY)

(H.P. 342) (L.D. 480)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Maine Turnpike Authority

Representative MAZUREK for the **Maine Turnpike Authority** pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2010"

(H.P. 348) (L.D. 486)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 5, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of Michael Snowman, of Hartland

(SLS 4)

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

TABLED - January 13, 2009 (Till Later Today) by Representative TARDY of Newport.

PENDING - **ADOPTION**.

On motion of Representative DAVIS of Sangerville, by unanimous consent, all members of the House were added as cosponsors.

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

Representative **DAVIS**: Thank you, Madam Speaker. I am not sure if this is a proper motion, Madam Speaker, but I would like to move that all members of this body be put on this Sentiment as cosponsors. Thank you.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

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

SENATE PAPERS

Bill "An Act To Provide Representation for Dog Clubs on the Animal Welfare Advisory Council"

(S.P. 157) (L.D. 454)

Bill "An Act To Provide Free Admission to State Parks to Veterans and Military Personnel"

(S.P. 159) (L.D. 456)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Recommendations for Licensing Equine Boarding Facilities

(S.P. 161) (L.D. 458)

Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships"

(S.P. 177) (L.D. 474)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for Energy Conservation"

(S.P. 175) (L.D. 472)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Increase the Redemption Fee on Sorting and Handling"

(S.P. 155) (L.D. 411)

Bill "An Act To Strengthen Rural Community Investment"

(S.P. 172) (L.D. 469)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Amend the Laws Concerning Terrorizing"

(S.P. 171) (L.D. 468)

Bill "An Act To Add 2 Mental Health Advocates to the State Board of Corrections"

(S.P. 181) (L.D. 478)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Amend Maine's School Construction Laws To Reduce the Percentage for Art to 0.5%"

(S.P. 168) (L.D. 465)

Bill "An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation" (EMERGENCY)

(S.P. 170) (L.D. 467)

Bill "An Act Regarding the Reorganization of Regional School Units and Allowing a Municipality To Opt Out of an Existing School Structure"

(S.P. 178) (L.D. 475)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Clarify the Term of a Retail Tobacco License"

(S.P. 152) (L.D. 408)

Bill "An Act To Amend the Retail Tobacco and Liquor Licensing Laws"

(S.P. 165) (L.D. 462)

Bill "An Act To Recognize Maine Youth Camps"

(S.P. 182) (L.D. 479)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act Regarding Nuisance Beaver"

(S.P. 160) (L.D. 457)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act Regarding Parents' Rights"

(S.P. 158) (L.D. 455)

Bill "An Act To Adopt Amendments to the Uniform Interstate Family Support Act"

(S.P. 164) (L.D. 461)

Bill "An Act To Amend the Limited Liability Company Laws Concerning Management Standards"

(S.P. 169) (L.D. 466)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Improve Maine's Ethics Laws"

(S.P. 154) (L.D. 410)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Resolve, To Evaluate Climate Change Adaptation Options for the State

(S.P. 163) (L.D. 460)

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

(S.P. 179) (L.D. 476)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act To Allow Nonresident Property Owners To Vote on Municipal Budget Matters"

(S.P. 166) (L.D. 463)

Bill "An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the Second Regular Session of the 124th Legislature"

(S.P. 167) (L.D. 464)

Bill "An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the First Regular Session of the 124th Legislature" (EMERGENCY)

(S.P. 176) (L.D. 473)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Allow a Retailer To Offer To Pay Sales Tax on Items and Services Sold by That Retailer"

(S.P. 150) (L.D. 406)

Bill "An Act To Provide Tax Relief for Maine Residents Deployed for Military Service"

(S.P. 162) (L.D. 459)

Bill "An Act To Encourage Alternative Energy and Promote Maine Businesses" (EMERGENCY)

(S.P. 174) (L.D. 471)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act To Create an Animal Welfare Trailer License Plate"

(S.P. 156) (L.D. 412)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Resolve, To Change the Uses for Funds for Conservation Programs (EMERGENCY)

(S.P. 151) (L.D. 407)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

On motion of Representative CRAY of Palmyra, the House adjourned at 10:59 a.m., until 10:00 a.m., Thursday, February 12, 2009 and in honor and lasting tribute to Clayton L. Currie, of Millinocket and Michael Snowman, of Hartland.