

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
4th Legislative Day
Tuesday, January 15, 2013

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

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Strong.

National Anthem by Sammie Angel, Dixfield.

Pledge of Allegiance.

Doctor of the day, Tamas Peredy, MD, FACEP, Freeport.

The Journal of Wednesday, January 9, 2013 was read and approved.

COMMUNICATIONS

The Following Communication: (H.P. 28)

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

January 10, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Article IV, Part Third, Section 1-A of the Constitution of the State of Maine, I am appointing the following members to serve on the Apportionment Commission:

Representative Matthew G. Pouliot of Augusta

Representative Amy Fern Volk of Scarborough

Representative Wayne R. Parry of Arundel

Please let me know if you have any questions.

Sincerely,

S/Kenneth W. Fredette

House Minority Leader

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.P. 29)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333-0002**

January 10, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

This is to notify you that pursuant to our authority under Article IV, Part Third, Section 1-A of the Constitution of the State of Maine, we have appointed the following member to serve on the Apportionment Commission:

Honorable Joshua A. Tardy of Newport

Sincerely,

S/Michael D. Thibodeau

Senate Republican Leader

S/Kenneth W. Fredette

House Republican Leader

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 16)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333-0002**

January 7, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to our authority under Article IV, Part Third, Section 1-A of the Constitution of the State of Maine, we have appointed the following to serve as a member of the Apportionment Commission:

Michael Friedman of Bangor

Please let us know if you have any questions.

Sincerely,

S/Cathy Newell

Democratic Party Public Member

S/Joshua A. Tardy

Republican Party Public Member

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 17)

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

January 14, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (J), I have made the following appointments to the Standing Committees of the House.

Bills in the Second Reading

Andrew J. McLean, Chair (D-Gorham)

Anne P. Graham (D-North Yarmouth)

Roberta B. Beavers (D-South Berwick)

Scott M. Hamann (D-South Portland)

Aaron F. Libby (R-Waterboro)

Beth P. Turner (R-Burlington)

Roger A. Jackson (R-Oxford)

Allen Michael Nadeau (R-Fort Kent)

Elections

Michael E. Carey, Chair (D-Lewiston)

Sharon Anglin Treat (D-Hallowell)

Henry E. M. Beck (D-Waterville)

Jeff M. McCabe (D-Skowhegan)

H. David Cotta (R-China)

Jeffery Allen Gifford (R-Lincoln)

Peter Doak (R-Columbia Falls)

Roger E. Reed (R-Carmel)

Engrossed Bills

Peter S. Kent, Chair (D-Woolwich)

Andrea M. Boland (D-Sanford)

Walter A. Kumiega III (D-Deer Isle)

Thomas R. W. Longstaff (D-Waterville)

Richard S. Malaby (R-Hancock)

Melvin Newendyke (R-Litchfield)

Deborah J. Sanderson (R-Chelsea)

Sharri K. MacDonald (R-Old Orchard Beach)

Ethics

Louis J. Luchini, Chair (D-Ellsworth)
Kimberly J. Monaghan-Derrig (D-Cape Elizabeth)
Andrew T. Mason (D-Topsham)
Richard H. Campbell (R-Orrington)
Lance Evans Harvell (R-Farmington)
James S. Gillway (R-Searsport)
Lawrence E. Lockman (R-Amherst)
Jeffrey Evangelos (U-Friendship)

Leaves of Absence

Helen Rankin, Chair (D-Hiram)
Sheryl J. Briggs (D-Mexico)
Chuck Kruger (D-Thomaston)
Brian D. Bolduc (D-Auburn)
Heather W. Sirocki (R-Scarborough)
Jeffrey L. Timberlake (R-Turner)
Thomas M. Tyler (R-Windham)
Jethro D. Pease (R-Morrill)

Rules and Business of the House

The Speaker, Ex Officio
Seth A. Berry (D-Bowdoinham)
Kenneth Wade Fredette (R-Newport)
Alexander Reginald Willette (R-Mapleton)
Sincerely,
S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

Pursuant to his authority under House Rule 201.1(I), the Chair made the following appointment to a Joint Standing Committee of the 126th Maine Legislature:

Representative BEAR of the Houlton Band of Maliseet Indians was appointed to the Joint Standing Committee on **HEALTH AND HUMAN SERVICES.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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 Make Changes to the Potato Marketing Improvement Fund"

(H.P. 9) (L.D. 5)

Sponsored by Representative WILLETTE of Mapleton.
Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, LONG of Sherman, McELWEE of Caribou, SAUCIER of Presque Isle, TYLER of Windham, Senator: SHERMAN of Aroostook.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Prohibit a Requirement That a Superintendent Reside in the School Administrative Unit" (EMERGENCY)

(H.P. 10) (L.D. 6)

Sponsored by Representative CASAVANT of Biddeford.
Cosponsored by Senator DUTREMBLE of York and Representatives: BEAUDOIN of Biddeford, POULIOT of Augusta, ROCHELO of Biddeford, WILSON of Augusta, Senator: KATZ of Kennebec.

Bill "An Act To Fund Public Education for Kindergarten to Grade 12 at 55%"

(H.P. 22) (L.D. 18)

Sponsored by Representative CAMPBELL of Newfield.
Cosponsored by Senator MILLETT of Cumberland and Representatives: CAREY of Lewiston, JOHNSON of Greenville, MOONEN of Portland, SAUCIER of Presque Isle, STANLEY of Medway, Senators: HASKELL of Cumberland, JACKSON of Aroostook, MAZUREK of Knox.

Bill "An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education"

(H.P. 23) (L.D. 25)

Sponsored by Representative MASON of Topsham.
Cosponsored by Senator GOODALL of Sagadahoc and Representatives: DAUGHTRY of Brunswick, HARLOW of Portland, KORNFELD of Bangor, KUSIAK of Fairfield, MacDONALD of Boothbay, PLANTE of Berwick, RUSSELL of Portland.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil"

(H.P. 11) (L.D. 7)

Sponsored by Representative HARVELL of Farmington.

HEALTH AND HUMAN SERVICES

Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Life Skills Services for Adults with Intellectual Disabilities or Autistic Disorder

(H.P. 12) (L.D. 8)

Sponsored by Representative CHASE of Wells.
Cosponsored by Senator HAMPER of Oxford and Representatives: MALABY of Hancock, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: CRAVEN of Androscoggin.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Change a Fishing Season Opening Date Statewide"

(H.P. 24) (L.D. 26)

Sponsored by Representative SHAW of Standish.
Cosponsored by Senator PATRICK of Oxford and Representatives: BRIGGS of Mexico, DILL of Old Town, ESPLING of New Gloucester, GUERIN of Glenburn, TIMBERLAKE of Turner, Senator: DUTREMBLE of York.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Amend the Laws Governing Record Keeping for Pawn Transactions"

(H.P. 31) (L.D. 36)

Sponsored by Representative HAYES of Buckfield.
Cosponsored by Representative: COTTA of China.

Bill "An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council"

(H.P. 30) (L.D. 35)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Representative: COTTA of China.

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

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** and later today assigned.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County"

(H.P. 25) (L.D. 27)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BEAULIEU of Auburn, GILBERT of Jay, GRAHAM of North Yarmouth, HARVELL of Farmington, LAJOIE of Lewiston, Senators: CRAVEN of Androscoggin, MASON of Androscoggin, PATRICK of Oxford.

TAXATION

Bill "An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax" (EMERGENCY)

(H.P. 13) (L.D. 9)

Sponsored by Representative SAUCIER of Presque Isle.

Cosponsored by Senator BOYLE of Cumberland and Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, HICKMAN of Winthrop, JONES of Freedom, NADEAU of Fort Kent, THERIAULT of Madawaska, WILLETTE of Mapleton.

Bill "An Act To Provide a Property Tax Exemption for Family Burying Grounds"

(H.P. 14) (L.D. 10)

Sponsored by Representative HARVELL of Farmington.

TRANSPORTATION

Bill "An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices" (EMERGENCY)

(H.P. 15) (L.D. 11)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Senator COLLINS of York and Representatives: CASAVANT of Biddeford, NUTTING of Oakland, PARRY of Arundel, PEOPLES of Westbrook, SIROCKI of Scarborough, Senator: BOYLE of Cumberland.

Resolve, Directing the Department of Transportation To Add a Reference to the Katahdin Trail to the Sign for the First Newport Exit on Interstate 95 North

(H.P. 16) (L.D. 12)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THOMAS of Somerset and Representatives: FREDETTE of Newport, JOHNSON of Greenville.

Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Berwick Academy

(H.P. 17) (L.D. 13)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator COLLINS of York and Representatives: DUNPHY of Embden, PLANTE of Berwick, Senator: HILL of York.

Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew Lanigan Bridge (EMERGENCY)

(H.P. 18) (L.D. 14)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator DUTREMBLE of York and Representatives: BENNETT of Kennebunk, PARRY of Arundel.

Bill "An Act To Require Motorists To Stop for Pedestrians in Crosswalks" (EMERGENCY)

(H.P. 21) (L.D. 17)

Sponsored by Representative MORRISON of South Portland.

Cosponsored by Senator MILLETT of Cumberland and Representatives: GILBERT of Jay, HAMANN of South Portland, HARLOW of Portland, KAENRATH of South Portland, PEOPLES of Westbrook, RUSSELL of Portland.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure"

(H.P. 20) (L.D. 16)

Sponsored by Representative PEOPLES of Westbrook.

Cosponsored by Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, GILLWAY of Searsport, HARLOW of Portland, MONAGHAN-DERRIG of Cape Elizabeth, SHAW of Standish, THERIAULT of Madawaska.

Committee on **TRANSPORTATION** suggested.

On motion of Representative THERIAULT of Madawaska, **TABLED** pending **REFERENCE** and later today assigned.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased"

(H.P. 19) (L.D. 15)

Sponsored by Representative GILBERT of Jay.

Cosponsored by Senator PATRICK of Oxford and Representatives: BLACK of Wilton, HARVELL of Farmington, KNIGHT of Livermore Falls, LAJOIE of Lewiston, McCABE of Skowhegan, SHORT of Pittsfield, STANLEY of Medway, THERIAULT of Madawaska.

**Pursuant to Statute
Board of Pesticides Control**

Representative DILL for the **Board of Pesticides Control** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

(H.P. 26) (L.D. 33)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Agriculture, Conservation and Forestry
Representative DILL for the **Department of Agriculture, Conservation and Forestry** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

(H.P. 32) (L.D. 37)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Office of Program Evaluation and Government Accountability

Representative MacDONALD for the **Office of Program Evaluation and Government Accountability** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services"

(H.P. 27) (L.D. 34)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Public Utilities Commission

Representative HOBBS for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 33) (L.D. 38)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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:

SENATE PAPERS

Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

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

Bill "An Act To Lower the Cost of Copies of Medical Records"

(S.P. 15) (L.D. 23)

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 To Facilitate Access to Information by Legislators"

(S.P. 11) (L.D. 19)

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 Expand the Types of Vaccines That May Be Administered by Pharmacists"

(S.P. 21) (L.D. 32)

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

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

Bill "An Act To Amend the Motor Vehicle Laws Governing Requisite Tire Size"

(S.P. 13) (L.D. 21)

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

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

Bill "An Act To Reduce the Number of Labels of Wine a Retailer Must Stock To Conduct a Wine Tasting"

(S.P. 16) (L.D. 24)

Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations"

(S.P. 20) (L.D. 31)

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

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

Bill "An Act To Fully Fund the Homemaker Services Program"

(S.P. 12) (L.D. 20)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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.

LEGISLATIVE RECORD - HOUSE, January 15, 2013

Bill "An Act To Provide Support Services to Adults with Intellectual Disabilities or Autistic Disorder"

(S.P. 18) (L.D. 29)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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 To Provide Home and Community Services for Individuals with Intellectual Disabilities or Autism"

(S.P. 19) (L.D. 30)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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.

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

On motion of Representative SCHNECK of Bangor, the House adjourned at 10:53 a.m., until 10:00 a.m., Thursday, January 17, 2013.