

# 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  
6th Legislative Day  
Tuesday, January 22, 2013

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

Prayer by Pastor Karen Garcia, New Sharon United Methodist Church.

National Anthem by Pilar Geneus, Oakland.

Pledge of Allegiance.

Doctor of the day, Carla Burkley, M.D., Auburn.

The Journal of Thursday, January 17, 2013 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 19)

**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BUREAU OF FINANCIAL INSTITUTIONS  
36 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0036**

January 15, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institutions' web site at [www.maine.gov/financialinstitutions](http://www.maine.gov/financialinstitutions).

Very truly yours,

S/Lloyd P. LaFountain III

Superintendent

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

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**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:

Bill "An Act To Change the Schedule for the Beginning of the Biennial Budget Cycle"

(H.P. 58) (L.D. 80)

Sponsored by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec and Representatives: AYOTTE of Caswell, BOLAND of Sanford, CAREY of Lewiston, DION of Portland, HARVELL of Farmington, HAYES of Buckfield, KESCHL of Belgrade, SANBORN of Gorham.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative ROTUNDO of Lewiston, **TABLED** pending **REFERENCE** and later today assigned.

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

Representative **DAVIS**: Thank you very much, Mr. Speaker. Mr. Speaker, it is with a heart bursting of pride that I stand this morning. I would like to quote to you, Mr. Speaker, something I am sure that you are well aware of, John Wooden, who was the famous coach at UCLA. It was after nearly 30 years, won 10 national championships in 12 years, he said, success is the peace of mind, which is a direct result of self-satisfaction in knowing that you have made the effort to be the best that you are capable of being. This team, these young people, they have tasted success and they have done it through hard work. I'd like to say in the old-fashioned Piscataquis County way, they also have done it with cooperation, teamwork, with their coaches, their teachers, the other students, everyone involved, they have a competitive spirit, they don't quit. That's Piscataquis County. We don't quit. And unselfishness. They have demonstrated great unselfishness. They put their personal goals aside and they reach for the accomplished team goals and they have done so this time. John Wooden also said one other thing. He said that it is amazing what can be done when no one cares who gets the credit. That's this Foxcroft Academy Team. Thank you, Mr. Speaker.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt"

(H.P. 59) (L.D. 76)

Sponsored by Representative DION of Portland.

Cosponsored by Representative: McCABE of Skowhegan.

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Bill "An Act To Reduce the Number of Public Safety Answering Points"

(H.P. 52) (L.D. 60)

Sponsored by Representative SIROCKI of Scarborough.

Cosponsored by Representatives: CHASE of Wells, LIBBY of Waterboro, MALABY of Hancock.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

On motion of Representative DION of Portland, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, ordered printed and sent for concurrence.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled"

(H.P. 53) (L.D. 61)

Sponsored by Representative ESPLING of New Gloucester.

Cosponsored by Senator BURNS of Washington and Representatives: CRAFTS of Lisbon, GUERIN of Glenburn, MAKER of Calais.

**HEALTH AND HUMAN SERVICES**

Bill "An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities"

(H.P. 54) (L.D. 62)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Senator MILLETT of Cumberland and Representatives: CASSIDY of Machias, GUERIN of Glenburn, LOCKMAN of Amherst, MAKER of Calais, NEWENDYKE of Litchfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, Senator: BURNS of Washington.

Bill "An Act To Require Health Care Practitioners To Distribute Free Samples of Medication in Certain Circumstances"

(H.P. 60) (L.D. 77)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Representative: BRIGGS of Mexico.

Bill "An Act To Expand Transitional Assistance for Families"

(H.P. 61) (L.D. 78)

Sponsored by Representative BEAUDOIN of Biddeford.

**INLAND FISHERIES AND WILDLIFE**

Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Allow Veterans with Lower Limb Loss To Obtain "Any-deer" Hunting Permits

(H.P. 55) (L.D. 63)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Representatives: CRAY of Palmyra, ESPLING of New Gloucester, GIFFORD of Lincoln, HARLOW of Portland, KESCHL of Belgrade, MALABY of Hancock, McCLELLAN of Raymond, TURNER of Burlington.

Bill "An Act To Allow a Junior Hunter To Shoot Any Deer on Opening Day of Hunting Season"

(H.P. 62) (L.D. 79)

Sponsored by Representative GIFFORD of Lincoln.

Cosponsored by Senator COLLINS of York and Representatives: CRAFTS of Lisbon, CROCKETT of Bethel, DAVIS of Sangerville, DUNPHY of Embden, LONG of Sherman, TIMBERLAKE of Turner, TURNER of Burlington, WOOD of Sabattus.

**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings"

(H.P. 63) (L.D. 70)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Representative: BRIGGS of Mexico.

**JUDICIARY**

Bill "An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe"

(H.P. 56) (L.D. 64)

Sponsored by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator BURNS of Washington and Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, JOHNSON of Greenville, MAKER of Calais, MITCHELL of the Penobscot Nation, NUTTING of Oakland, PRIEST of Brunswick.

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Amend the Laws Governing Pawn Transactions"

(H.P. 64) (L.D. 71)

Sponsored by Representative FOWLE of Vassalboro.

Cosponsored by Representatives: LONGSTAFF of Waterville, WILSON of Augusta.

**MARINE RESOURCES**

Bill "An Act To Open the St. Croix River to River Herring" (EMERGENCY)

(H.P. 65) (L.D. 72)

Sponsored by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator DUTREMBLE of York and Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BERRY of Bowdoinham, DOAK of Columbia Falls, MITCHELL of the Penobscot Nation, PARRY of Arundel, Senator: JACKSON of Arostook.

**TAXATION**

Bill "An Act To Reduce the Income Tax on Capital Gains"

(H.P. 57) (L.D. 65)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CRAY of Palmyra, DUNPHY of Embden, FITZPATRICK of Houlton, GIFFORD of Lincoln, LIBBY of Waterboro, LOCKMAN of Amherst, NEWENDYKE of Litchfield, SIROCKI of Scarborough.

Bill "An Act To Exempt Persons 65 Years of Age or Older Whose Income Is below the Poverty Line from Paying Property Taxes on Their Homes"

(H.P. 66) (L.D. 73)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Representatives: CASAVANT of Biddeford, GRANT of Gardiner, PEOPLES of Westbrook, SOCTOMAH of the Passamaquoddy Tribe.

**TRANSPORTATION**

Bill "An Act To Require That Motorcyclists Wear Helmets"

(H.P. 69) (L.D. 66)

Sponsored by Representative BEAUDOIN of Biddeford.

Bill "An Act To Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways"

(H.P. 70) (L.D. 67)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator TUTTLE of York, Senator COLLINS of York and Representatives: CHENETTE of Saco, COTTA of China, KUSIAK of Fairfield, MacDONALD of Old Orchard Beach, MASON of Topsham, PEOPLES of Westbrook, WEAVER of York, Senator: LACHOWICZ of Kennebec.

Bill "An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle"

(H.P. 71) (L.D. 68)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BOLAND of Sanford, BRIGGS of Mexico, CAMPBELL of Newfield, COTTA of China, DION of Portland, MAKER of Calais, SOCTOMAH of the Passamaquoddy Tribe, Senator: HILL of York.

Resolve, Directing the Department of Transportation To Place a Sign on Northbound Interstate 95 Directing Motorists to Lee Academy

(H.P. 67) (L.D. 74)

Sponsored by Representative TURNER of Burlington.  
Cosponsored by Senator CAIN of Penobscot and  
Representative: GIFFORD of Lincoln.

Bill "An Act To Ensure Pedestrian Safety in Roundabouts"  
(H.P. 68) (L.D. 75)

Sponsored by Representative WILSON of Augusta.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: DAVIS of Sangerville, FOWLE of Vassalboro,  
McCLELLAN of Raymond, McLEAN of Gorham, NUTTING of  
Oakland, PLANTE of Berwick, POULIOT of Augusta,  
SANDERSON of Chelsea.

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**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Strengthen Financial Disclosure Laws for the  
Legislative and Executive Branches of State Government"  
(H.P. 72) (L.D. 69)

Sponsored by Representative GOODE of Bangor.  
Cosponsored by Representative: RUSSELL of Portland.

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

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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,  
January 17, 2013, had preference in the Orders of the Day and  
continued with such preference until disposed of as provided by  
House Rule 502.

Expression of Legislative Sentiment Recognizing Kathy  
Welch, of York

(HLS 25)

TABLED - January 17, 2013 (Till Later Today) by Representative  
McGOWAN of York.

PENDING - **PASSAGE**.

Subsequently, the Sentiment was **INDEFINITELY  
POSTPONED**.

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**SENATE PAPERS**

Bill "An Act To Amend the Motor Vehicle Ignition Interlock  
Device Requirements in the Laws Regarding Operating Under  
the Influence"

(S.P. 36) (L.D. 85)

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.

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Bill "An Act To Amend the Charter of the Ogunquit Sewer  
District"

(S.P. 32) (L.D. 81)

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

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

Bill "An Act To Expand Turkey Hunting"

(S.P. 35) (L.D. 84)

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.

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Bill "An Act To Protect Health Insurance Ratepayers from  
Undocumented Rate Increases"

(S.P. 34) (L.D. 83)

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

**REFERRED** to the Committee on **INSURANCE AND  
FINANCIAL SERVICES** in concurrence.

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Bill "An Act To Establish a People's Veto Process for  
Actions of County Commissioners"

(S.P. 33) (L.D. 82)

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.

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The following Joint Order: (S.P. 29)

**ORDERED**, the House concurring, that the Joint Rules be  
amended by adding Joint Rule 319 to read:

**Rule 319. Review of provisions creating or enhancing  
criminal penalties.**

Whenever a legislative proposal in a resolve or bill, including a  
budget bill, enacts a new crime or increases the penalty for an  
existing crime, the joint standing committee of the Legislature  
having jurisdiction over the proposal shall hold a public hearing  
and determine the level of support for the proposal among  
members of the committee. If there is support for the proposal  
among a majority of the members of the committee, the  
committee shall request the joint standing committee of the  
Legislature having jurisdiction over criminal justice and public  
safety matters to review and evaluate the proposal for its impact  
on the criminal justice system. The joint standing committee of  
the Legislature having jurisdiction over criminal justice and public  
safety matters shall conduct the review and report back to the  
joint standing committee of jurisdiction and to the joint standing  
committee of the Legislature having jurisdiction over  
appropriations and financial affairs.

Came from the Senate, **READ** and **PASSED**.

**READ.**

On motion of Representative McCABE of Skowhegan, the  
Joint Order was **REFERRED** to the Joint Select Committee on  
**JOINT RULES** in **NON-CONCURRENCE** and sent for  
concurrence.

LEGISLATIVE RECORD - HOUSE, January 22, 2013

At this point, pursuant to House Rule 201.1 (H), the Speaker appointed Representative BERRY of Bowdoinham to serve as Speaker Pro Tem when the House convenes on Thursday, January 24, 2013 at 10:00 a.m.

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

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On motion of Representative HAYES of Buckfield, the House adjourned at 10:57 a.m., until 10:00 a.m., Thursday, January 24, 2013.