

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
7th Legislative Day
Thursday, January 24, 2013

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

Prayer by Reverend Thomas Leguin, St. Rose of Lima, Jay and St. Joseph's, Farmington.

National Anthem by Cara Kinney, Limington.

Pledge of Allegiance.

Doctor of the day, Eric Schenk, D.O., Rockport.

The Journal of Tuesday, January 22, 2013 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 20)

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

January 23, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Rule 351 and Joint Order, Senate Paper 27, I have appointed the following members to the Joint Select Committee on Maine's Workforce and Economic Future:

Seth A. Berry, Co-Chair (D-Bowdoinham)

Paul E. Gilbert (D-Jay)

Terry K. Morrison (D-South Portland)

Kimberly J. Monaghan-Derrig (D-Cape Elizabeth)

Gay M. Grant (D-Gardiner)

Anne-Marie Mastraccio (D-Sanford)

Joyce A. Maker (R-Calais)*

Peter B. Johnson (R-Greenville)

Paul Edward Bennett (R-Kennebunk)

Jeffrey L. Timberlake (R-Turner)

*Ranking Republican Member

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 21)

**SENATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 23, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Rule 351 and S. P. 27, I have made the following appointments to the Joint Select Committee on Maine's Workforce and Economic Future:

Senator Seth Goodall, Chair (D-Sagadahoc)

Senator Linda Valentino (D-York)

Senator Roger Katz (R-Kennebec)

Senator Brian Langley (R-Hancock)

Senator Richard Woodbury (U-Cumberland)

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Justin L. Alfond

President 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:

Bill "An Act To Raise the School Construction Bond Cap"

(H.P. 73) (L.D. 91)

Sponsored by Representative MASON of Topsham.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: BERRY of Bowdoinham, DAUGHTRY of Brunswick, GRANT of Gardiner, HOBBS of Saco, KENT of Woolwich, MacDONALD of Boothbay, SAXTON of Harpswell.

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

On motion of Representative ROTUNDO of Lewiston, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities"

(H.P. 74) (L.D. 92)

Sponsored by Representative MAKER of Calais.

Cosponsored by Senator MASON of Androscoggin and Representatives: CRAY of Palmyra, DION of Portland, DOAK of Columbia Falls, McCLELLAN of Raymond, TIMBERLAKE of Turner, TURNER of Burlington, VOLK of Scarborough, WOOD of Sabattus.

Bill "An Act To Require Public Secondary Schools To Offer a Course in Gun Safety and Handling"

(H.P. 75) (L.D. 93)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator BURNS of Washington and Representatives: AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, GIFFORD of Lincoln, LONG of Sherman, WILSON of Augusta, Senators: GERZOFKY of Cumberland, SHERMAN of Aroostook.

Bill "An Act To Prohibit Wireless Smart Meter Opt-out Fees"

(H.P. 76) (L.D. 94)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Representative: HARLOW of Portland.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested.

Representative BOLAND of Sanford moved that the House **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. This bill duplicates another one that was in existence prior, but it just came in out of order so there is really no necessity for this. Thank you very much.

Subsequently, the Bill and all accompanying papers were
INDEFINITELY POSTPONED.
Sent for concurrence.

HEALTH AND HUMAN SERVICES

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY)

(H.P. 77) (L.D. 95)

Sponsored by Representative MAKER of Calais.

Cosponsored by Senator HASKELL of Cumberland and Representatives: CASSIDY of Machias, DION of Portland, ESPLING of New Gloucester, MacDONALD of Old Orchard Beach, NELSON of Falmouth, TURNER of Burlington, VOLK of Scarborough, Senator: BURNS of Washington.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Enhance the Deer Population by Increasing Control of Coyotes through Local Conservation Organizations"

(H.P. 78) (L.D. 96)

Sponsored by Representative SAUCIER of Presque Isle.

Cosponsored by Senator JACKSON of Aroostook and Representatives: McELWEE of Caribou, NADEAU of Fort Kent, NADEAU of Winslow, NOON of Sanford, SCHNECK of Bangor, SHORT of Pittsfield.

Bill "An Act To Improve the Integrity of the State's Snowmobile Trail System"

(H.P. 79) (L.D. 97)

Sponsored by Representative JOHNSON of Greenville.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Study Issues Related to Bear Hunting and Management

(H.P. 80) (L.D. 98)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, GIFFORD of Lincoln, JOHNSON of Eddington, SHAW of Standish, THERIAULT of Madawaska.

Bill "An Act To Allow Hunting for Deer with a Crossbow during the Expanded Archery Season"

(H.P. 81) (L.D. 99)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Senator TUTTLE of York and Representatives: JOHNSON of Eddington, TYLER of Windham.

Bill "An Act To Allow Municipalities To Stock Ponds"

(H.P. 82) (L.D. 100)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Senator MASON of Androscoggin and Representatives: CRAFTS of Lisbon, LAJOIE of Lewiston, SHAW of Standish, WERTS of Auburn.

Bill "An Act To Allow a Junior Hunter To Take One Antlerless Deer without an Antlerless Deer Permit"

(H.P. 83) (L.D. 101)

Sponsored by Representative GILBERT of Jay.

Cosponsored by Senator HASKELL of Cumberland and Representatives: BLACK of Wilton, BRIGGS of Mexico, CRAFTS of Lisbon, LAJOIE of Lewiston, SHAW of Standish, STANLEY of Medway, Senators: PATRICK of Oxford, SAVIELLO of Franklin.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Improve Health Insurance Transparency"

(H.P. 84) (L.D. 102)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: CAMPBELL of Newfield, COOPER of Yarmouth, MORRISON of South Portland, PRINGLE of Windham, SCHNECK of Bangor, STUCKEY of Portland, TREAT of Hallowell.

JUDICIARY

Bill "An Act To Amend the Laws Governing Public Records"

(H.P. 86) (L.D. 104)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Senator MILLETT of Cumberland and Representatives: HUBBELL of Bar Harbor, KENT of Woolwich, KUSIAK of Fairfield, MAKER of Calais, TURNER of Burlington, Senator: HASKELL of Cumberland.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Correct an Inconsistency in Maine's Apprenticeship Laws"

(H.P. 85) (L.D. 103)

Sponsored by Representative GILBERT of Jay.

Cosponsored by Senator PATRICK of Oxford and Senator: CUSHING of Penobscot.

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

Bill "An Act To Allow Motor Fuel Containing Five Percent Ethanol To Be Sold in the State"

(H.P. 87) (L.D. 105)

Sponsored by Representative TIMBERLAKE of Turner.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, BOLAND of Sanford, CHASE of Wells, CLARK of Easton, CRAFTS of Lisbon, CRAY of Palmyra, DUNPHY of Embden, ESPLING of New Gloucester, EVANGELOS of Friendship, FITZPATRICK of Houlton, FREDETTE of Newport, GIFFORD of Lincoln, GILLWAY of Searsport, GRAHAM of North Yarmouth, GUERIN of Glenburn, HARLOW of Portland, HICKMAN of Winthrop, KINNEY of Limington, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LOCKMAN of Amherst, LONG of Sherman, NEWENDYKE of Litchfield, NUTTING of Oakland, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, REED of Carmel, SAXTON of Harpswell, SHAW of Standish, SIROCKI of Scarborough, TURNER of Burlington, VOLK of Scarborough, WALLACE of Dexter, WILLETTE of Mapleton, WOOD of Sabattus, Senators: COLLINS of York, CUSHING of Penobscot, PATRICK of Oxford.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville" (EMERGENCY)

(H.P. 88) (L.D. 106)

Sponsored by Representative LONGSTAFF of Waterville.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: BECK of Waterville, NADEAU of Winslow.

TAXATION

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Provide a One-year Period of Penalty Relief for Withdrawal of Forest Land from Current Use Valuation

(H.P. 89) (L.D. 107)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Senator BURNS of Washington and Representatives: AYOTTE of Caswell, BLACK of Wilton, GIFFORD of Lincoln, LONG of Sherman, WEAVER of York, Senators: CUSHING of Penobscot, SHERMAN of Aroostook, THIBODEAU of Waldo.

TRANSPORTATION

Bill "An Act To Rename Big Moose Mountain as Red Eagle Mountain"

(H.P. 90) (L.D. 108)

Sponsored by Representative JOHNSON of Greenville.
Cosponsored by Representative: DAVIS of Sangerville.

Bill "An Act To Exempt All Vehicles Delivering Home Heating Fuel, Including Wood Pellets, from Weight Limits"

(H.P. 91) (L.D. 109)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Senator BURNS of Washington and Representatives: BLACK of Wilton, CRAFTS of Lisbon, CROCKETT of Bethel, LONG of Sherman, WEAVER of York, WILLETTE of Mapleton, Senators: SHERMAN of Aroostook, THIBODEAU of Waldo.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Limit Political Contributions by Public Employee Labor Unions"

(H.P. 92) (L.D. 110)

Sponsored by Representative JOHNSON of Greenville.
Cosponsored by Representatives: DAVIS of Sangerville, DUNPHY of Embden.

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

ORDERS

On motion of Representative BRIGGS of Mexico, the following House Order: (H.O. 8)

ORDERED, that Representative Joyce A. Fitzpatrick of Houlton be excused January 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused January 9 and 17 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas M. Tyler of Windham be excused January 15 and 17 for personal reasons.

READ and PASSED.

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

SENATE PAPERS

The following Joint Order: (S.P. 42)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 29, 2013 at 10:00 in the morning.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Johnson, who wishes to address the House on the record.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Fifty years ago on this date in 1963, it was about -20 degrees in Greenville. There was a wind of 280 degrees at 40 knots that was generally undisturbed across Moosehead Lake. It then channeled into two main streams, which flowed between just north and south of Elephant Mountain. These streams converged to the east of Elephant Mountain along the flight path of Frosh 10, flying the northern low-level flight-training route Poker Deck 8-3. This airflow breaks over both Elephant Mountain and Indian Mountain with resulting mountain waves in the 2000-foot level and below. Turbulence in this area was moderate generally and severe in the areas one mile to the lee side of both mountains. Maximum gusts were estimated between 45 and 50 feet per second. The weather existed close to that briefed to the pilot of the B-52 Poker Deck 8-3, but with a combination of the terrain features and the strong flow of stable air mass that produced this area of severe turbulence in the lee of Elephant Mountain and Indian Mountain at or below the 2000-foot level.

The result was that at 1421 hours when Frosh 10 was on the Southwest side of Elephant Mountain the turbulence was severe. The B-52 Stratofortress started to shake violently and a great wrenching sound is heard as their vertical fin breaks from the horizontal stabilizer. The pilot, Lieutenant Colonel Bulli, tries to regain control of the plane but is unable to do so and orders ejection. This all happens in 10 seconds. The aircraft is now 300 feet from the ground at a speed of 300 knots when three of the crew managed to eject. Lieutenant Colonel Dante Bulli ejected and his left leg was fractured in the procedure. He was able to crawl into his sleeping bag and burrow into the snow to wait for rescue. Captain Gerald Adler ejected safely from the aircraft and hit an unknown object that damaged his seat. The seat is bent on the right side to the point it fractures his 3rd, 4th and 5th ribs and traps him in the seat. Unable to reach his sleeping bag, he wraps his parachute around himself. While waiting rescue 2nd, 3rd and 4th degree frostbite sets in on both feet. Major Robert Morrison managed to eject from the aircraft but did not survive. The six other members of the crew perished with the aircraft. It was our purpose last Saturday to remember these warriors and the mission that they served on that day on behalf of the American people. Thank you very much.

Bill "An Act To Improve Community Mental Health Treatment" (S.P. 38) (L.D. 87)

Bill "An Act To Update the Maine HIV Advisory Committee" (S.P. 39) (L.D. 88)

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.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Process of Gathering Public Opinion on Rulemaking and Other Projects

(S.P. 37) (L.D. 86)

Bill "An Act To Establish a Deadline for Snowmobile Registration"

(S.P. 40) (L.D. 89)

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 To Strengthen Maine's Workforce and Economic Future"

(S.P. 41) (L.D. 90)

Came from the Senate, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed.

REFERRED to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** in concurrence.

The following Joint Resolution: (S.P. 43)

**JOINT RESOLUTION RECOGNIZING JANUARY 25TH AS
EITC AWARENESS DAY**

WHEREAS, in order to promote the federal earned income tax credit, which enhances family household budgets, we recognize January 25, 2013 as EITC Awareness Day; and

WHEREAS, it is estimated that every year 20 percent of Maine residents do not apply for the federal earned income tax credit, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CASH Maine and AARP Tax-Aide, a collaboration of 11 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

WHEREAS, in 2012, these volunteers helped Maine residents save more than \$1,700,000 in filing fees and claim \$5,670,000 in earned income tax credits, returning \$20,000,000 to Maine residents in federal income tax refunds; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize January 25, 2013 as EITC Awareness Day; and be it further

RESOLVED: That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

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

READ and **ADOPTED** in concurrence.

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

On motion of Representative JOHNSON of Greenville, the House adjourned at 10:51 a.m., until 10:00 a.m., Tuesday, January 29, 2013 pursuant to the Joint Order (S.P. 42) and in honor and lasting tribute to the memory of the B-52 Crew of Frosh 10.