

# 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  
11th Legislative Day  
Thursday, February 7, 2013

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

Prayer by Pastor Ron Sargent, Hollis Center Baptist Church.  
National Anthem by Bonny Eagle High School Chorus, Standish.

Pledge of Allegiance.

Doctor of the day, Cynthia Self, M.D., Bangor.

The Journal of Tuesday, February 5, 2013 was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License"

(H.P. 148) (L.D. 187)

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in the House on February 5, 2013.

Came from the Senate **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 54)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

February 4, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating John Moncure of Harpswell for reappointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 55)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

February 4, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating John G. Peters of Harpswell for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 56)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

February 4, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating the Honorable Nichi S. Farnham of Bangor for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 57)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

February 5, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating James P. Norris of Winthrop for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 61)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

February 6, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Donna L. Talarico of North Yarmouth for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 62)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

February 6, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Susan B. Snowden of Scarborough for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 63)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

February 6, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating the Honorable Jonathan B. McKane of Newcastle for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 64)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

February 6, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating the Honorable Gary W. Reed of Falmouth for reappointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 65)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

February 6, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating the Honorable Wesley E. Richardson of Warren for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 58)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

February 1, 2013  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the Committee on Energy, Utilities and Technology has approved the request by the sponsor, Representative Sirocki of Scarborough, to report the following "Leave to Withdraw":

L.D. 60                      An Act To Reduce the Number of Public Safety Answering Points

Sincerely,  
S/Millicent M. MacFarland

Clerk of House

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

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The Following Communication: (H.C. 59)

**PERMANENT COMMISSION ON THE STATUS OF WOMEN**

February 4, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to MRSA Title 5, Chapter 371-A, §7030-D, Powers and Duties of the Permanent Commission on the Status of Women, it is my pleasure to submit to you the 2012 Report on the Status of Women and Girls in Maine. With this report, the Commission has set out benchmarks for assessing opportunities for women and girls to fulfill their potential and contribute to the State of Maine within five dimensions: Education, Economic Security, Health, Safety and Wellbeing, and Leadership.

Copies of the full report have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Secretary of State at [www.maine.gov/sos](http://www.maine.gov/sos).

We look forward to working with you, Governor LePage, members of the Legislature, and the public at large to maintain and improve the status of women and girls in Maine. Thank you for your support and your leadership.

Sincerely,

S/Eloise Vitelli, Chair

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

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The Following Communication: (H.C. 60)

**LORING COMMERCE CENTRE  
LORING DEVELOPMENT AUTHORITY OF MAINE  
154 DEVELOPMENT DRIVE  
LIMESTONE, MAINE 04750**

January 29, 2013

Honorable Justin L. Alford

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Re:5 MRSA Section 12023

Quasi-independent entity report

Dear President Alford and Speaker Eves:

Please find enclosed the report of the Loring Development Authority of Maine (LDA), a quasi-independent state entity, as required by 5 MRSA Section 12023. We understand that by February 1, 2014 and annually thereafter, LDA must submit a report to the State of Maine Legislature as outlined in 5 MRSA Section 12023.2.

Please don't hesitate to contact me with any questions.

Very truly yours,

S/Carl W. Flora

**READ** and with accompanying papers **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 Concerning Brucellosis Vaccines for Cattle"

(H.P. 197) (L.D. 288)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, GIFFORD of Lincoln, SAUCIER of Presque Isle.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products"

(H.P. 198) (L.D. 289)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator BOYLE of Cumberland and Representatives: BLACK of Wilton, GIFFORD of Lincoln, NOON of Sanford, SAUCIER of Presque Isle, Senator: SHERMAN of Aroostook.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Eliminate the Forest Certification Incentive Cost-share Fund"

(H.P. 199) (L.D. 290)

Sponsored by Representative DILL of Old Town.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, GIFFORD of Lincoln, NOON of Sanford, SAUCIER of Presque Isle, Senators: BOYLE of Cumberland, JACKSON of Aroostook.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection"

(H.P. 200) (L.D. 291)

Sponsored by Representative COOPER of Yarmouth.

Bill "An Act To Protect the Public Health from Mosquito-borne Diseases"

(H.P. 201) (L.D. 292)

Sponsored by Representative GIFFORD of Lincoln.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, SAUCIER of Presque Isle.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross"

(H.P. 221) (L.D. 312)

Sponsored by Representative TURNER of Burlington.

Cosponsored by Senator CAIN of Penobscot and Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, GIFFORD of Lincoln, JONES of Freedom, KENT of Woolwich, LIBBY of Waterboro, TIMBERLAKE of Turner.

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education"

(H.P. 202) (L.D. 293)

Sponsored by Representative KORNFIELD of Bangor.

Cosponsored by Representatives: CASSIDY of Lubec, GOODE of Bangor, MASON of Topsham, SAUCIER of Presque Isle, SCHNECK of Bangor, THERIAULT of Madawaska, Senators: CAIN of Penobscot, PATRICK of Oxford.

Bill "An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics"

(H.P. 203) (L.D. 294)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, HAYES of Buckfield, MAREAN of Hollis, McCABE of Skowhegan, TIMBERLAKE of Turner, Senators: JACKSON of Aroostook, KATZ of Kennebec.

Bill "An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security"

(H.P. 204) (L.D. 295)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CHAPMAN of Brooksville, HOBBS of Saco.

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms"

(H.P. 206) (L.D. 297)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CRAY of Palmyra, DION of Portland, FITZPATRICK of Houlton, GIFFORD of Lincoln, McCLELLAN of Raymond, NADEAU of Winslow, WILSON of Augusta, WOOD of Sabattus.

Bill "An Act Regarding the Membership of the Emergency Medical Services' Board"

(H.P. 207) (L.D. 298)

Sponsored by Representative WERTS of Auburn.

Cosponsored by Representatives: LAJOIE of Lewiston, MAKER of Calais, PEASE of Morrill.

**EDUCATION AND CULTURAL AFFAIRS**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education

(H.P. 208) (L.D. 299)

Sponsored by Representative JONES of Freedom.

Cosponsored by Representatives: CHENETTE of Saco, CHIPMAN of Portland, EVANGELOS of Friendship, GILBERT of Jay, HICKMAN of Winthrop, KUSIAK of Fairfield, NADEAU of Winslow, NOON of Sanford.

Bill "An Act To Protect School Administrative Units and Taxpayers"

(H.P. 209) (L.D. 300)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: DAUGHTRY of Brunswick, GOODE of Bangor, MacDONALD of Boothbay, TREAT of Hallowell, Senator: SAVIELLO of Franklin.

Bill "An Act To Remove Unnecessary Agenda from the School Day"

(H.P. 210) (L.D. 301)

Sponsored by Representative McCLELLAN of Raymond.

Cosponsored by Representatives: DUNPHY of Embden, FITZPATRICK of Houlton, JOHNSON of Greenville, SIROCKI of Scarborough, TURNER of Burlington, WILSON of Augusta.

**ENERGY, UTILITIES AND TECHNOLOGY**

Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses

(H.P. 211) (L.D. 302)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Representatives: BEAVERS of South Berwick, DUNPHY of Embden, GIDEON of Freeport, LIBBY of Waterboro, NEWENDYKE of Litchfield, RUSSELL of Portland, TIPPING-SPITZ of Orono, Senator: YOUNGBLOOD of Penobscot.

Bill "An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information"

(H.P. 212) (L.D. 303)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representatives: CHAPMAN of Brooksville, DILL of Old Town, GRANT of Gardiner, SANBORN of Gorham.

Bill "An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council"

(H.P. 213) (L.D. 304)

Sponsored by Representative COOPER of Yarmouth.

**HEALTH AND HUMAN SERVICES**

Bill "An Act To Eliminate Institute Councils for Mental Health Institutions"

(H.P. 214) (L.D. 305)

Sponsored by Representative DORNEY of Norridgewock.

Cosponsored by Senator HAMPER of Oxford and Representatives: FARNSWORTH of Portland, MALABY of Hancock, SANDERSON of Chelsea, SIROCKI of Scarborough. Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Exempt Members of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs from Special Training Requirements for Archery and Trapping" (EMERGENCY)

(H.P. 215) (L.D. 306)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator CAIN of Penobscot and Representatives: CHAPMAN of Brooksville, CHIPMAN of Portland, GOODE of Bangor, MOONEN of Portland, PEOPLES of Westbrook, SOCTOMAH of the Passamaquoddy Tribe, VEROW of Brewer, VILLA of Harrison.

Bill "An Act To Exempt Persons Who Have Served in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License"

(H.P. 216) (L.D. 307)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Representative GUERIN of Glenburn, Senator THIBODEAU of Waldo and Representatives: AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, LONG of Sherman, WILSON of Augusta, WOOD of Sabattus.

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Bill "An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers"

(H.P. 205) (L.D. 296)

Sponsored by Representative LAJOIE of Lewiston.

Cosponsored by Senator TUTTLE of York and Representatives: BEAUDOIN of Biddeford, GILBERT of Jay, LIBBY of Lewiston, MAKER of Calais, PEASE of Morrill, PLANTE of Berwick, SHAW of Standish, WERTS of Auburn.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

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

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### JUDICIARY

Bill "An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980"

(H.P. 217) (L.D. 308)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator CAIN of Penobscot and Representatives: BEAULIEU of Auburn, CHAPMAN of Brooksville, CHIPMAN of Portland, GOODE of Bangor, PRIEST of Brunswick, SOCTOMAH of the Passamaquoddy Tribe, VILLA of Harrison, WEAVER of York.

Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft

(H.P. 218) (L.D. 309)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Representatives: DION of Portland, HICKMAN of Winthrop, MORRISON of South Portland.

Bill "An Act To Exempt Persons 70 Years of Age and Older from Jury Duty at Their Discretion"

(H.P. 219) (L.D. 310)

Sponsored by Representative WEAVER of York.

Cosponsored by Senator COLLINS of York and Representatives: COTTA of China, CRAFTS of Lisbon, JOHNSON of Greenville, MacDONALD of Old Orchard Beach, MAKER of Calais, MAREAN of Hollis, NEWENDYKE of Litchfield, NUTTING of Oakland.

Bill "An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors"

(H.P. 220) (L.D. 311)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Representatives: FITZPATRICK of Houlton, GIFFORD of Lincoln, LIBBY of Waterboro, MALABY of Hancock, McCLELLAN of Raymond, POULIOT of Augusta, SANDERSON of Chelsea.

Bill "An Act To Create the Maine Online Privacy Protection Act" (EMERGENCY)

(H.P. 222) (L.D. 313)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CAREY of Lewiston, DION of Portland, HICKMAN of Winthrop, McCLELLAN of Raymond.

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Bill "An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities"

(H.P. 235) (L.D. 325)

Sponsored by Representative FARNSWORTH of Portland.

Cosponsored by Senator HAMPER of Oxford and Representatives: MALABY of Hancock, SANDERSON of Chelsea, SIROCKI of Scarborough.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **JUDICIARY** suggested.

On motion of Representative PRIEST of Brunswick, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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### LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Create the Office of Marketing"

(H.P. 223) (L.D. 314)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Senator TUTTLE of York and Representatives: AYOTTE of Caswell, DAVIS of Sangerville, MAKER of Calais, NUTTING of Oakland, WALLACE of Dexter, WINCHENBACH of Waldoboro, Senators: CUSHING of Penobscot, KATZ of Kennebec.

Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

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### STATE AND LOCAL GOVERNMENT

Bill "An Act To Ban the Purchase of Bottled Water by State Agencies"

(H.P. 224) (L.D. 315)

Sponsored by Representative JONES of Freedom.

Cosponsored by Representatives: CHIPMAN of Portland, DAUGHTRY of Brunswick, DeCHANT of Bath, SHORT of Pittsfield, TURNER of Burlington.

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### TAXATION

Bill "An Act To Provide Property Tax Relief for Noncombat Veterans"

(H.P. 225) (L.D. 316)

Sponsored by Representative LIBBY of Lewiston.

Cosponsored by Senator WHITTEMORE of Somerset.

Bill "An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program"

(H.P. 226) (L.D. 317)

Sponsored by Representative LIBBY of Lewiston.

Cosponsored by Senator HASKELL of Cumberland and Representative: KNIGHT of Livermore Falls.

Bill "An Act To Establish a Sales Tax Holiday for Purchases Made during the Month of January"

(H.P. 227) (L.D. 318)

Sponsored by Representative RYKERSON of Kittery.

Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BROOKS of Winterport, CHENETTE of Saco, MITCHELL of the Penobscot Nation, NADEAU of Fort Kent, WEAVER of York.

Bill "An Act To Provide Tax Fairness to Small Businesses in the State" (EMERGENCY)

(H.P. 228) (L.D. 319)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by President ALFOND of Cumberland and Representatives: BECK of Waterville, Speaker EVES of North Berwick, KNIGHT of Livermore Falls, McCABE of Skowhegan.

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**TRANSPORTATION**

Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

(H.P. 234) (L.D. 324)

Sponsored by Representative THERIAULT of Madawaska. (GOVERNOR'S BILL)

Cosponsored by Senator COLLINS of York.

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**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Ensure the Integrity of the Election Process"

(H.P. 229) (L.D. 320)

Sponsored by Representative FARNSWORTH of Portland.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BROOKS of Winterport, GATTINE of Westbrook, GIDEON of Freeport, STUCKEY of Portland, WELSH of Rockport.

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**Pursuant to Statute  
State Board of Education**

Representative MacDONALD for the **State Board of Education** 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 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education (EMERGENCY)

(H.P. 231) (L.D. 322)

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

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

Sent for concurrence.

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**Pursuant to Statute  
Department of Education**

Representative MacDONALD for the **Department of Education** 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 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 232) (L.D. 323)

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

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

Sent for concurrence.

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**Pursuant to Statute  
Probate and Trust Law Advisory Commission**

Representative PRIEST for the **Probate and Trust Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2 asks leave to report that the accompanying Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code

(H.P. 230) (L.D. 321)

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

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

Sent for concurrence.

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

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**ORDERS**

On motion of Representative MONAGHAN-DERRIG of Cape Elizabeth, the following Joint Resolution: (H.P. 233) (Cosponsored by Senator CAIN of Penobscot and Representatives: DILL of Old Town, Speaker EVES of North Berwick, GRAHAM of North Yarmouth, McLEAN of Gorham, MITCHELL of the Penobscot Nation, SAUCIER of Presque Isle, THERIAULT of Madawaska)

**JOINT RESOLUTION TO ACKNOWLEDGE FEBRUARY 11, 2013 AS A DAY OF REFLECTION, MEDITATION AND PRAYER TO SUPPORT THE PURPOSE AND WORK OF THE MAINE WABANAKI-STATE CHILD WELFARE TRUTH AND RECONCILIATION COMMISSION**

WHEREAS, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Sipayik, the Passamaquoddy Tribe at Motahkmikuk, the Penobscot Indian Nation and the State of Maine have signed a mandate to implement a truth and reconciliation commission; and

WHEREAS, the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission represents a historic agreement to uncover and acknowledge the truth about what happened to Wabanaki children and families who were involved with the Maine child welfare system, to create opportunities to heal and learn from the truth and to collaborate to operate the best child welfare system possible for Wabanaki children and families; and

WHEREAS, the 5 commissioners charged to undertake this work will be sworn in during a public Seating of the Commission Ceremony on Tuesday, February 12, 2013 in the Town of Hermon; and

WHEREAS, the day before the Seating of the Commission Ceremony, Monday, February 11, 2013, has been designated as a day of reflection, meditation and prayer to support the purpose and work of the Maine Wabanaki-State Truth and Reconciliation Commission, and the commissioners and the commission's convening group will gather with spiritual leaders to prepare themselves for the work ahead; and

WHEREAS, the Maine Wabanaki-State Truth and Reconciliation Commission invites people to join in reflection, meditation or prayer as their own faith and traditions direct them, to consider the opportunity the commission will provide to deepen human respect and compassion in hearing the truth of our shared history, to pray for the healing of deep and ancient wounds and to call for courage, clarity of purpose and openness; 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, declare our support for the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission and its worthy efforts; and be it further

**RESOLVED:** That we join the Maine Wabanaki-State Truth and Reconciliation Commission in reflection, meditation or prayer, stand in spiritual solidarity with the commission and understand the importance of collaboration and relationship building through this process, and we declare February 11, 2013 as a day of reflection, meditation and prayer to support the work of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the Office of the Secretary of State on behalf of the people of the State of Maine and be delivered to the appropriate representatives of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Sipayik, the Passamaquoddy Tribe at Motahkmikuk and the Penobscot Nation.

**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my great pleasure and honor to present this Joint Resolution on behalf of the support of the Maine Wabanaki Child Welfare Truth and Reconciliation Commission. This commission was established quite a while ago, actually, but I and my former esteemed lawmaker, colleague, Beth O'Connor, her being from the Health and Human Services Committee and myself being from the Judiciary Committee, two committees that handle child welfare issues on the Indian tribes, were asked to participate in the selection process of the five tribal reconciliation commissioners. In short, it is known as the TRC or TRC Commission.

This commission, the intent of the commission and the work of the selection panel process took place over a four-month period. A nomination and application process took place, resulting in a very large pool of potential candidates. The review process ultimately narrowed down 10 semifinalists, where all candidates were interviewed during a two-day process. We then made the selection of the five commission members; one of who you may be familiar with, Matt Dunlap is one of the commission members. Two will be from Indian tribes representing other Indian tribal members in the United States, and some other folks that are involved in social services and charitable work. This process was quite a lengthy process. It took a lot of time, work, reflection. There were times it was emotionally charged, it was not easy, and the commissioners' work will not be easy either. They will be responsible for carrying out the duties outlined in the TRC mandate over a 27-month time period. Their work is expected to require a commitment of two to three days per month, with additional time needed during the community for truth telling events. The commissioners will need to organize themselves to perform truth-seeking activities, including research and listening to testimonies from members within the state and each native community.

This will not be an easy process as I mentioned before. It is emotionally charged with some pretty sad experiences. To be honest, too, not everyone has come to the table on this process. Over time, we hope that many will, but we do expect it to be quite emotionally charged, however, we expect to have a good outcome in the end. The commission will eventually compile their findings and recommendations for assistance improvement into a

report. They will definitely need to be able to work together as a collaborative team, and we do hope that you will support this effort. I can tell you one thing, that this is a very important event for the Maine tribes. This is the first in the country to go under such an endeavor. There had been many truth and reconciliation events throughout the world, but never in the United States has an Indian tribe gone before such a venture. We do hope that you will support this effort and also acknowledge February 11 as a day of prayer and meditation and support the efforts of the work of the TRC Commission. Thank you.

Subsequently, the Joint Resolution was **ADOPTED.**  
Sent for concurrence.

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On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 10)

**ORDERED,** that Representative Bernard L. A. Ayotte of Caswell be excused January 24 for personal reasons.

**AND BE IT FURTHER ORDERED,** that Representative Jarrod S. Crockett of Bethel be excused January 31 for health reasons.

**AND BE IT FURTHER ORDERED,** that Representative Matthea Elisabeth Larsen Daughtry of Brunswick be excused January 22 for personal reasons.

**AND BE IT FURTHER ORDERED,** that Representative Paul D. McGowan of York be excused January 31 for health reasons.

**AND BE IT FURTHER ORDERED,** that Representative Andrew J. McLean of Gorham be excused January 24 for personal reasons.

**AND BE IT FURTHER ORDERED,** that Representative Mary Pennell Nelson of Falmouth be excused January 22 for legislative business.

**AND BE IT FURTHER ORDERED,** that Representative Anita Peavey Haskell of Milford be excused January 24, 29 and 31 for personal reasons.

**AND BE IT FURTHER ORDERED,** that Representative Ryan D. Tipping-Spitz of Orono be excused January 31 for health reasons.

**AND BE IT FURTHER ORDERED,** that Representative Sharon Anglin Treat of Hallowell be excused January 17 for personal reasons and January 31 for legislative business.

**AND BE IT FURTHER ORDERED,** that Representative Lisa Renee Villa of Harrison be excused January 9, 15, 17, 22 and 24 for personal reasons.

**AND BE IT FURTHER ORDERED,** that Representative Ellen A. Winchenbach of Waldoboro be excused January 22 for personal reasons.

**READ and PASSED.**

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

**SENATE PAPERS**

The following Joint Order: (S.P. 122)

**ORDERED,** the House concurring, that when the House and Senate adjourn they do so until Tuesday, February 12, 2013, at 10:00 in the morning.

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

**READ and PASSED** in concurrence.

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Bill "An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway"

(S.P. 102) (L.D. 269)

Bill "An Act To Facilitate the Processing of Livestock That Is Not for Resale"

(S.P. 104) (L.D. 271)

Bill "An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles"

(S.P. 115) (L.D. 282)

Bill "An Act To Eliminate the Elm Tree Restoration Fund"

(S.P. 116) (L.D. 283)

Bill "An Act To Amend the Duties of the Division of Forestry"

(S.P. 117) (L.D. 284)

Bill "An Act To Electronically Issue Permits for Burning"

(S.P. 118) (L.D. 285)

Bill "An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry"

(S.P. 119) (L.D. 286)

Bill "An Act To Improve Funding of Agricultural Development Projects"

(S.P. 120) (L.D. 287)

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 Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange"

(S.P. 106) (L.D. 273)

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 Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle"

(S.P. 98) (L.D. 265)

Bill "An Act To Improve the Law Regarding Bail Commissioners"

(S.P. 99) (L.D. 266)

Bill "An Act Regarding the Sale of Firearms at Gun Shows"

(S.P. 100) (L.D. 267)

Bill "An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment"

(S.P. 110) (L.D. 277)

Bill "An Act To Update the Maine Emergency Management Laws"

(S.P. 121) (L.D. 326)

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.

Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System

(S.P. 108) (L.D. 275)

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 Reduce Youth Cancer Risk"

(S.P. 105) (L.D. 272)

Resolve, To Improve Access to Oral Health Care for MaineCare Recipients

(S.P. 109) (L.D. 276)

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 Allow Crossbow Hunting during Muzzle-loading Season"

(S.P. 97) (L.D. 264)

Bill "An Act To Improve Snowmobiling in the State"

(S.P. 101) (L.D. 268)

Resolve, Concerning Rights-of-way over Eastern Road in Scarborough

(S.P. 113) (L.D. 280)

Bill "An Act To Clarify Provisions of the Whitewater Rafting Laws"

(S.P. 114) (L.D. 281)

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 Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried"

(S.P. 107) (L.D. 274)

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 Provide Greater Access to Capital for Certain Businesses Through Advance Payment of Employment Tax Increment Financing Benefits"

(S.P. 111) (L.D. 278)

Bill "An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts"

(S.P. 112) (L.D. 279)

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 Improve the Motor Vehicle Inspection System"

(S.P. 103) (L.D. 270)

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

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

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

On motion of Representative RUSSELL of Portland, the House adjourned at 10:57 a.m., until 10:00 a.m., Tuesday, February 12, 2013 pursuant to the Joint Order (S.P. 122).