

# 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  
23rd Legislative Day  
Thursday, March 21, 2013

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

Prayer by Pastor Stephen Espling, North Deering Alliance Church, Portland.

National Anthem by Bucksport High School Band.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of yesterday was read and approved.

The following item was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative BERRY of Bowdoinham, the following Joint Resolution: (H.P. 784) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of

Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION IN HONOR OF  
WOMEN'S HISTORY MONTH AND IN RECOGNITION OF THE  
CONTRIBUTIONS THAT WOMEN MAKE TO MAINE  
AND TO THE UNITED STATES**

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

WHEREAS, the United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

WHEREAS, our country would not have attained its greatness without the strength, bravery, insight and persistence of the women who have come before us; and

WHEREAS, American women have played, and continue to play, critical economic, cultural, political and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home and in professions from educator to astronaut, yet make up less than 4 percent of the executives in charge of Fortune 500 companies each year; and

WHEREAS, women have played a major role in the defense of our nation, both on and off the battlefield; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the industrial labor movement, the civil rights movement and other movements that create a more fair and just society for all; and

WHEREAS, women not only have played critical economic, cultural and social roles in our society but also have permanently changed the face of American government and politics; and

WHEREAS, Maine has a rich and vibrant history of women in leadership, including Senator Margaret Chase Smith, perhaps best known for her contribution to the well-being of the United States and its people with her consistent stand for the

condemnation of bigotry and injustice wherever she found them; and

WHEREAS, Senator Margaret Chase Smith was the first woman from Maine to serve in the United States Congress, the first woman in the nation elected to both houses of the United States Congress and the first woman to be placed in nomination for the presidency at a major party's convention; and

WHEREAS, Maine currently has some of the strongest women leaders in the nation, including Senator Susan Collins, the first woman to run for Maine Governor from a major party, and the recently retired Senator Olympia J. Snowe, the first woman to serve in both chambers of a state legislature and both chambers of the United States Congress; and

WHEREAS, the Maine Legislature has a distinguished record of women elected to leadership positions, including the Honorable Beverly Daggett, the first female President of the Senate, the Honorable Betheda Edmonds, the first woman to serve 2 terms as President of the Senate and the Honorable Elizabeth Mitchell, the first woman in the United States to have been chosen in a state legislature as both Speaker of the House and President of the Senate; and

WHEREAS, among the many women who have served in the Maine Legislature are the Honorable Hannah Pingree, the youngest woman to hold the position of Speaker of the House, and the many women who have served as Senate floor leaders, including the Honorable Jane A. Amero, the Honorable Pamela Cahill, the Honorable Nancy Randall Clark, the Honorable Chellie Pingree, the Honorable Sharon Treat, the Honorable Mary Small and the Honorable Carol Weston, and who have served as House floor leaders, including the Honorable Lucia M. Cormier, the Honorable Emily Cain, the Honorable Carol A. Kontos and the Honorable Mary Clark Webster; and

WHEREAS, women who have served as assistant leaders in the Maine Legislature include the Honorable Minnette Cummings, the Honorable Barbara A. Gill, the Honorable Beverly Bustin-Hatheway, the Honorable Anne Rand, the Honorable Lisa Marraché, the Honorable Debra Plowman, the Honorable Elizabeth D. Moffatt, the Honorable Mary Najarian and the Honorable Teresea Hayes; and

WHEREAS, within our state judicial system, Chief Justice Leigh I. Saufley is the first woman to serve as Maine's Chief Justice of the Supreme Judicial Court; and

WHEREAS, the Honorable Janet T. Mills is the first woman to have served as Maine's Attorney General, as well as being a former District Attorney and Legislator; the Honorable Dale McCormick is the first woman to serve as Treasurer of State, as well as being a former Legislator; the Honorable Gail Chase is the first woman to serve as State Auditor, as well as being a former Legislator; Pola Buckley is the current State Auditor; and the Honorable Neria Douglass is the Treasurer of State as well as being a former Legislator and State Auditor; and

WHEREAS, we must take every action possible to promote women in leadership so that we can achieve fair representation in our State Government, including recognizing Maine women's contributions to our state history; and

WHEREAS, in recognition of the contributions of women, the United States Congress has passed a resolution each year since 1987 designating the month of March as "Women's History Month"; 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 March 2013 as Women's History Month in Maine; and be it further

RESOLVED: That We encourage the residents of this State to observe Women's History Month by participating in programs, ceremonies and activities to foster an awareness of and appreciation for the contributions made by women that have benefited and improved society.

**READ**

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, and honored guests. This Resolution is about female leaders, both recognized and unrecognized, both in Maine and nationally, and it's about Women's History Month. It is also about the aspirations of tomorrow's leaders, some of whom are with us here today for Girls' Day in the State House.

As a teacher in my previous life, I spent 20 years, first in the inner city and then here in Maine, in what is still traditionally, especially at the elementary level, considered a female occupation. The vast majority of my colleagues were women and, by the way, were underpaid relative to their educational attainment. This is not unusual in professions that are dominated historically by women, that are considered, and I was honored to do that work, historically women's work.

These women that I taught with were doing some of the most important leadership work possible for any human anywhere, and they were unrecognized by and large. So when I came to Augusta to the State House and had the incredible honor of coming into a State House where women leaders, many of whom are in the gallery with us today, people like Hannah Pingree, Libby Mitchell, Emily Cain, Terry Hayes, Sharon Treat, Deb Plowman, Janet Mills, Beth Edmonds, Lisa Marraché, and so many others – I could go on and on – where so many of them were in leadership and were ruling the roost and making things happen and keeping this place operating efficiently and representing the people, it seemed entirely normal to me.

But I think that when you take the long view and you look at this chamber and look at the faces that are here in this chamber and who are in leadership, you also understand that it is not normal, that that was a moment in time and that we still have work to do. So that is also what this Joint Resolution today is about, recognizing that we still have work to do. From those women that I named, and many others, I learned most of what I know about leadership. Many others does include my mother, by the way. I learned that in diversity is strength.

As our country's motto on the dollar bill says, *E. Pluribus Unum*, to represent all of Maine, we must reflect all of Maine. And so I hope that as all of us, whether Republican or Democrat or Independent, think about who might replace us – some of us are term limited in this chamber, it's not normally my concern to recruit for the other party here – but I hope that as all of us think about who will replace us, those who are term limited or moving on, that we will consider the need for this chamber to have the strength that comes with diversity and to benefit from women's wisdom and women's leadership. I hope that we will remember that a woman's place is in the House or the Blaine House or the Senate or the Attorney General's office or the law court or the boardroom or wherever else that woman believes in her heart that she belongs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to call attention to and to honor the important contributions that women have made to the public life of the State of Maine. Maine women have contributed their knowledge, wisdom, commonsense and

leadership skills to strengthening our local communities, our state and our nation. They have led with courage and devotion. Many of these women are colleagues who serve now in the Legislature. Some of these extraordinary leaders sit in the gallery today.

We have come a long way since women received the right to vote in Maine in 1920 and since Fort Kent elected Republican Dora Pinkham, the first woman to serve in the Maine House of Representatives, only two years later in 1922. In 1926, Dora Pinkham and Republican Katherine Allen, from Hampden, were the first women elected to the Maine Senate. Since that time, women who are Republicans, Democrats and Independents have continued to break down barriers in the State House. We have moved beyond the tasks that were assigned to the female legislators up until the mid-1970s, tasks that included collecting money for flowers and gifts, and choosing the color for the license plates for the Legislature. As a member of the other body, I had the honor, in the 121st Legislature, of nominating Beverly Daggett to become the first woman to serve as President of the Senate, and had the further honor of voting to confirm our first female Chief Justice, Leigh Saufley. Women have come a long way, and all of us, men and women, are stronger because of it.

As women, we recognize that we all stand on the shoulders of others, other courageous and inspiring women who have come before us, who have paved the way for us and opened doors for us. Today is a day to remember with gratitude all of these Maine women who have helped build the state through their service. It is also a day for all of us to commit ourselves to keeping those doors as wide open as possible for other women to go through. To the young and aspiring women in the chamber today who are with us and who are our next generation of leaders, please know how deeply we believe in you and that we will be cheering you on as you in your lives continue to knock down barriers and take your rightful place in the world. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Women's History Month is a great time to honor and celebrate the achievements and struggles of women in Maine and all across the great country. President Reagan issued the first Presidential Proclamation in 1981 for the first "Women's History Week", which read, in part: *American women of every race, creed and ethnic background helped found and build our nation in countless recorded and unrecorded ways. As leaders in public affairs, American women not only worked to secure their own rights of suffrage and equal opportunity but also were principled advocates in the abolitionist, temperance, mental health reform, industrial labor and social reform, as well as the civil rights movement.*

Margaret Chase Smith, Olympia Snowe, Libby Mitchell, Joan Benoit Samuelson and Susan Collins are just a few of the high profile Maine women who fit President Reagan's description of Maine women who are to be celebrated.

We have women here today who may not be as famous but are just as important. These women leaders are CEOs, volunteers, mothers raising children and those who are pursuing academics. We also have women here today like Tammy Jones, Mary Elizabeth McAdams, Jami Hall and others...all women shadowing women Representatives here today. We have the same hope and aspirations for the young women here today who are serving as Legislative Pages.

We are reminded of the many women who have gone before us in this arena of public service. When I first considered running

for public office I was given lots of advice by the men who were involved with helping candidates. However, for me, I desired the unique perspective of a woman who had "been there" "done that," juggling motherhood, employment, volunteering and public service. I was able to talk with a former member of this body who served her dear folks with grace and humor. Her words of wisdom gave me the courage and fortitude to begin my journey into this world of public service. I stand before you today so thankful for the courage and sacrifice of the many women leaders that we celebrate and recognize this day and this month of March. Thank you very much.

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

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

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise with great honor today. As you have seen in the gallery, we are joined today by the championship team, the Skowhegan Girls Field Hockey. This is actually a championship team, not only on the field but off the field. These young women are leaders of our community, both while playing field hockey as well as serving as role models. As the father of a young female, I have to say that this is an amazing honor to be able to stand today and I am disappointed that my daughter couldn't be with me here today to recognize these future leaders. I just wanted to rise and take an opportunity to yet again recognize the team and thank them for joining us today.

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#### SENATE PAPERS

Bill "An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect"

(S.P. 349) (L.D. 1024)

Committee on **JUDICIARY** 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.

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Bill "An Act To Encourage Development in the Logging Industry"

(S.P. 385) (L.D. 1103)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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.

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**Non-Concurrent Matter**

Resolve, To Direct Eastern Maine Community College To Create Industry-specific Workplace Transition Educational Programming

(H.P. 674) (L.D. 960)

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on March 12, 2013.

Came from the Senate **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Create the Children's Wireless Protection Act" (H.P. 711) (L.D. 1013)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on March 14, 2013.

Came from the Senate **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.P. 783)

**TOWN OF HARPSWELL  
PO BOX 39  
HARPSWELL, MAINE 04079**

Resolution Re: Governor's Budget

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities and their citizens in a most difficult position; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing, falls far short of the 55% State support for schools that has been approved by the citizens in referendum, makes cuts in State reimbursement to cities & towns for General Assistance and Homestead exemptions, eliminates the "circuit breaker" program for anyone under 65, cuts commercial truck excise taxes for cities & towns and reduces corporate property taxes; and

WHEREAS, the proposal also makes cuts in funding for health and human services available to the elderly and disabled; and WHEREAS, it is not realistic or reasonable to fail to recognize that Maine municipalities will need to assume many of the costs being avoided by the State under this proposal; and WHEREAS, many or all of the State's municipalities have very limited alternative sources of revenue and thus these cuts will, inevitably lead to increases in property taxes throughout the State; and

WHEREAS, the property tax is the least fair of broadly-applied taxes and other taxes such as sales and income taxes are more aligned with the ability to pay;

NOW THEREFORE, be it resolved that the Board of Selectmen of the Town of Harpswell urges the Legislature to support less harmful and more fair methods to bridge Maine's budgetary gap.

Given under our hand this fourteenth day of March, 2013

Harpswell Board of Selectman

S/Elinor Multer, Chair

S/Richard A. Daniel, Selectman

Harpswell, Maine

Attest: A true and exact copy.

S/Rosalind Knight

Town Clerk, Deputy

Date: March 18, 2013

**READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

The Following Communication: (H.C. 108)

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

March 21, 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 following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 291 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

Criminal Justice and Public Safety

L.D. 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver

Health and Human Services

L.D. 256 An Act To Amend the Laws Governing Recipients of Temporary Assistance for Needy Families

L.D. 330 An Act To Require All Lodging Places To Be Licensed by the State

L.D. 496 Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options

Inland Fisheries and Wildlife

L.D. 97 An Act To Improve the Integrity of the State's Snowmobile Trail System

Veterans and Legal Affairs

L.D. 408 An Act To Require a Copy of Communications To Be Filed with Independent Expenditure Reports

L.D. 428 An Act To License Betting on Football Score Pools

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

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

The Following Communication: (S.P. 357)

**CITY OF GARDINER, MAINE  
RESOLUTION**

**REGARDING THE GOVERNOR'S PROPOSED BUDGET**

**By the Gardiner City Council on February 20, 2013**

WHEREAS, the City of Gardiner stands to lose \$598,789 in municipal revenue sharing funds in the upcoming fiscal year if the state budget as proposed by Governor Paul LePage is adopted; and

WHEREAS, MSAD 11 would pay an additional \$300,000 to fund teacher retirement under the Governor's budget proposal, of which Gardiner property tax payers would be responsible for \$117,450 in the upcoming fiscal year; and

WHEREAS, 946 non-elderly Gardiner households would lose \$199 each, or \$188,254 total, in property tax relief in the upcoming fiscal year under the cuts to the Homestead Exemption program, if the Legislature adopts the Governor's proposed budget; and

WHEREAS, 292 non-elderly Gardiner households that currently qualify for the Circuit Breaker program would lose an average of \$344 each, or \$100,448 total in the upcoming fiscal year, under that program, if the Legislature adopts the Governor's proposed budget; and

WHEREAS, many Gardiner households would lose \$543 in tax offsets if they had previously qualified for both the Homestead Exemption and Circuit Breaker programs, if the Legislature adopts the Governor's proposed budget; and

WHEREAS, the City of Gardiner stands to lose \$27,727 with tractor trailer excise tax revenues being transferred from the City of Gardiner to the State of Maine, if the Legislature adopts the Governor's proposed budget; and

WHEREAS, our community will once again be forced either to eliminate classroom education and other programs in our schools or find local funds to compensate for the reduction in state financial support for public education; and

WHEREAS, this City Council will be faced with the unacceptable choice of either severely cutting essential municipal services or dramatically increasing the property tax burden on our fellow residents; and

WHEREAS, we, as the elected representatives of the residents and taxpayers of Gardiner, have an obligation to maintain essential local services, ensure a quality education for our children and contain the property tax burden of our citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDINER THAT, we call upon the Governor and the members of 126th Legislature to fully fund municipal revenue sharing for the coming biennium, maintain the Circuit Breaker and Homestead Exemption property tax relief programs, and fulfill the state's K-12 education funding mandate under the School Finance Act of 2003 and confirmed by vote of the people of Maine in a June 2004 referendum.

S/Thomas Harnett, Mayor

S/Christopher Leake, Councilor (Dist. 1)

S/Patricia Hart, Councilor (Dist. 2)

S/Phillip Hart, Councilor (Dist. 4)

S/William Barron, Councilor (At-Large)

S/Robert Johnston, Councilor (At-Large)

S/Scott Williams, Councilor (At-Large)

S/Scott Morelli, City Manager

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

**READ** and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

**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:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water"

(H.P. 797) (L.D. 1125)

Sponsored by Representative SHAW of Standish.

Bill "An Act Regarding Correctional Officers' Retirement"

(H.P. 807) (L.D. 1142)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representatives: CASAVANT of Biddeford, MASON of Topsham, Senators: GERZOFKY of Cumberland, PATRICK of Oxford.

**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Allow the Town of Bancroft To Withdraw from Its Regional School Unit without Penalty"

(H.P. 795) (L.D. 1123)

Sponsored by Representative LONG of Sherman.

Bill "An Act To Develop Young Readers"

(H.P. 808) (L.D. 1143)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by President ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, FARNSWORTH of Portland, HOBBS of Saco, McLEAN of Gorham, RANKIN of Hiram, SANBORN of Gorham, Senator: LANGLEY of Hancock.

Bill "An Act To Further Ensure Effective Teaching and School Leadership"

(H.P. 809) (L.D. 1144)

Sponsored by Representative KUSIAK of Fairfield.

**ENERGY, UTILITIES AND TECHNOLOGY**

Resolve, Directing the Public Utilities Commission To Convene a Stakeholder Group To Study Reimbursement for Installation of Utility Poles

(H.P. 787) (L.D. 1115)

Sponsored by Representative CROCKETT of Bethel.

Bill "An Act To Help Homeowners Reduce Heating Costs through Energy Efficiency"

(H.P. 810) (L.D. 1145)

Sponsored by Representative CHAPMAN of Brooksville.

Bill "An Act To Encourage the Use of Renewable Energy"

(H.P. 811) (L.D. 1146)

Sponsored by Representative DORNEY of Norridgewock.

Cosponsored by Senator BOYLE of Cumberland and Representatives: CHAPMAN of Brooksville, DEVIN of Newcastle, GATTINE of Westbrook, MAKER of Calais, McELWEE of Caribou.

**ENVIRONMENT AND NATURAL RESOURCES**

Bill "An Act To Promote the Production of Maine Beverages"  
(H.P. 793) (L.D. 1121)

Sponsored by Representative JONES of Freedom.

Cosponsored by Representatives: JOHNSON of Greenville, NUTTING of Oakland, POWERS of Naples, SHORT of Pittsfield, VILLA of Harrison.

Bill "An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting"  
(H.P. 800) (L.D. 1135)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CHAPMAN of Brooksville, CRAY of Palmyra, CROCKETT of Bethel, DILL of Old Town, KENT of Woolwich, LONG of Sherman, MAREAN of Hollis, WELSH of Rockport.

Bill "An Act To Protect Maine's Scenic Character"  
(H.P. 812) (L.D. 1147)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Representatives: BRIGGS of Mexico, CROCKETT of Bethel, HARLOW of Portland, HARVELL of Farmington, McCABE of Skowhegan, MORRISON of South Portland, WINSOR of Norway, Senator: SAVIELLO of Franklin.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Amend the Laws Governing Muzzle-loading Hunting Season"  
(H.P. 789) (L.D. 1117)

Sponsored by Representative CROCKETT of Bethel. (BY REQUEST)

Bill "An Act To Expand the Season for Night Hunting of Coyotes"  
(H.P. 813) (L.D. 1148)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CRAY of Palmyra, DAVIS of Sangerville, JACKSON of Oxford, LONG of Sherman, NADEAU of Fort Kent, NOON of Sanford, WOOD of Sabattus, Senator: BURNS of Washington.

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**JUDICIARY**

Bill "An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases"  
(H.P. 786) (L.D. 1114)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representative: DAVIS of Sangerville.

Bill "An Act To Amend the Attorney's Fees Provision in Foreclosure Actions"  
(H.P. 788) (L.D. 1116)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator THOMAS of Somerset and Representatives: BEAVERS of South Berwick, CRAFTS of Lisbon, DAVIS of Sangerville, HARLOW of Portland, LONG of Sherman, TREAT of Hallowell, Senator: HILL of York.

Bill "An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding"  
(H.P. 790) (L.D. 1118)

Sponsored by Representative PRIEST of Brunswick.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CROCKETT of Bethel, FARNSWORTH of Portland, GOODE of Bangor, MacDONALD of Boothbay, Senators: President ALFOND of Cumberland, CRAVEN of Androscoggin.

Submitted by the Department of the Attorney General pursuant to Joint Rule 205.

Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken"  
(H.P. 791) (L.D. 1119)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representative: DUNPHY of Embden.

Bill "An Act To Provide State Recognition for the Kineo Band of Maliseet Indians"  
(H.P. 801) (L.D. 1136)

Sponsored by Representative JOHNSON of Greenville.

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

Bill "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training"  
(H.P. 802) (L.D. 1137)

Sponsored by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator CAIN of Penobscot and Representatives: BEAUDOIN of Biddeford, BRIGGS of Mexico, COTTA of China, FREDETTE of Newport, KNIGHT of Livermore Falls, NUTTING of Oakland.

Bill "An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease"  
(H.P. 814) (L.D. 1149)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representative: CASAVANT of Biddeford, Senators: GERZOFISKY of Cumberland, PATRICK of Oxford.

Bill "An Act To Require Prevailing Wages To Be Paid on All Public Works Projects Receiving State Funding"  
(H.P. 815) (L.D. 1150)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representatives: CASAVANT of Biddeford, MASON of Topsham, Senators: GERZOFISKY of Cumberland, PATRICK of Oxford.

Bill "An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission" (EMERGENCY)  
(H.P. 816) (L.D. 1151)

Sponsored by Representative MAKER of Calais.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: GIFFORD of Lincoln, KESCHL of Belgrade, LAJOIE of Lewiston, MASTRACCIO of Sanford, ROTUNDO of Lewiston, TURNER of Burlington, WERTS of Auburn, Senator: KATZ of Kennebec.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings"  
(H.P. 794) (L.D. 1122)

Sponsored by Representative MOONEN of Portland.

Bill "An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County" (EMERGENCY)  
(H.P. 799) (L.D. 1127)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Senator JOHNSON of Lincoln and Representative: DEVIN of Newcastle.



LEGISLATIVE RECORD - HOUSE, March 21, 2013

Bill "An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees"

(H.P. 803) (L.D. 1138)

Sponsored by Representative GRAHAM of North Yarmouth.

Cosponsored by Representative: DION of Portland.

Bill "An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements"

(H.P. 804) (L.D. 1139)

Sponsored by Representative GRAHAM of North Yarmouth.

Bill "An Act To Amend the State Government Evaluation Act"

(H.P. 805) (L.D. 1140)

Sponsored by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: BOLAND of Sanford, COTTA of China, PEASE of Morrill.

Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell (EMERGENCY)

(H.P. 817) (L.D. 1152)

Sponsored by Representative TREAT of Hallowell.

Bill "An Act To Amend the Laws Governing Public Notices Provided by Governmental Entities"

(H.P. 818) (L.D. 1153)

Sponsored by Representative HAYES of Buckfield.

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**TAXATION**

Bill "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families"

(H.P. 785) (L.D. 1113)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by President ALFOND of Cumberland and Representatives: BROOKS of Winterport, Speaker EVES of North Berwick, GOODE of Bangor, McCABE of Skowhegan, Senators: CRAVEN of Androscoggin, HASKELL of Cumberland, PATRICK of Oxford, VALENTINO of York.

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

(H.P. 792) (L.D. 1120)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Senator HASKELL of Cumberland and Representatives: CHAPMAN of Brooksville, CHIPMAN of Portland, MacDONALD of Boothbay, ROTUNDO of Lewiston, STUCKEY of Portland, Senators: MAZUREK of Knox, MILLETT of Cumberland.

Bill "An Act To Provide Income Tax Relief"

(H.P. 796) (L.D. 1124)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by President ALFOND of Cumberland and Representatives: BROOKS of Winterport, CHAPMAN of Brooksville, EVANGELOS of Friendship, GILBERT of Jay, KUSIAK of Fairfield, PRIEST of Brunswick, SANBORN of Gorham.

Bill "An Act Regarding Corporate Income Tax Disclosure"

(H.P. 798) (L.D. 1126)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Representatives: BROOKS of Winterport, GOODE of Bangor.

Bill "An Act To Increase the Sales Tax To Support Revenue Sharing"

(H.P. 806) (L.D. 1141)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: FARNSWORTH of Portland, GRAHAM of North Yarmouth, McLEAN of Gorham, MONAGHAN-DERRIG of Cape

Elizabeth, PEOPLES of Westbrook, Senators: MAZUREK of Knox, PATRICK of Oxford.

Bill "An Act To Establish the Maine Length of Service Award Program"

(H.P. 819) (L.D. 1154)

Sponsored by Representative MAKER of Calais.

Cosponsored by Senator DUTREMBLE of York and Representatives: BEAVERS of South Berwick, CRAY of Palmyra, JOHNSON of Greenville, LAJOIE of Lewiston, LONG of Sherman, PEASE of Morrill, WERTS of Auburn, WOOD of Sabattus.

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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 RANKIN of Hiram, the following House Order: (H.O. 16)

**ORDERED**, that Representative Brian M. Duprey of Hampden be excused January 24, February 7, 28 and March 7 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Walter A. Kumiega III of Deer Isle be excused March 14 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Anita Peavey Haskell of Milford be excused February 28 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Michael A. Shaw of Standish be excused March 12 and 14 for health reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following item:

**Recognizing:**

the Central Aroostook High School Boys Basketball Team, of Mars Hill, on its winning the 2013 Class D State Championship. We extend our congratulations and best wishes to the members of the team on their achievement;

(SLS 111)

On **OBJECTION** of Representative CLARK of Easton, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** in concurrence and later today assigned.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Refer to the Committee on Labor, Commerce, Research and Economic Development** on Bill "An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards"

(S.P. 73) (L.D. 237)

Signed:

Senators:

LACHOWICZ of Kennebec

COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

CHENETTE of Saco

Came from the Senate with the Majority **REFER TO COMMITTEE** Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**. **READ.**

On motion of Representative GRAHAM of North Yarmouth, the Majority **Refer to Committee** on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** Report was **ACCEPTED**.

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

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**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 117) (L.D. 284) Bill "An Act To Amend the Duties of the Division of Forestry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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**ENACTORS**

**Emergency Measure**

An Act To Amend the Student Membership Criteria of the State Board of Education

(S.P. 80) (L.D. 244)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act Regarding Registration of Fetal Deaths

(S.P. 89) (L.D. 253)

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

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

An Act To Eliminate the Elm Tree Restoration Fund

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

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

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

An Act To Change the Name of the Department of Audit

(H.P. 274) (L.D. 399)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Prohibit the Taking or Possession of a Natural Resource That Is on the Land of Another"

(H.P. 500) (L.D. 749)

- In House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on February 28, 2013.

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

TABLED - March 12, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative DILL of Old Town, the House voted to **INSIST**.

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Expression of Legislative Sentiment Recognizing the members of the Bangor High School Girls Indoor Track and Field Team

(HLS 70)

TABLED - March 7, 2013 (Till Later Today) by Representative KORNFIELD of Bangor.

PENDING - **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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Bill "An Act To Create a Gambling Offset To Enhance the Collection of Child Support"

(H.P. 696) (L.D. 982)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)

TABLED - March 12, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

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**SENATE PAPERS**

Bill "An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools"

(S.P. 389) (L.D. 1128)

Bill "An Act To Promote Innovation in Public Schools"

(S.P. 390) (L.D. 1129)

Bill "An Act To Create a Virtual School Managed by the State"

(S.P. 391) (L.D. 1130)

Bill "An Act To Improve Professional Development Opportunities for Teachers and Other Public School Employees"

(S.P. 392) (L.D. 1131)

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

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Bill "An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists"  
(S.P. 395) (L.D. 1134)  
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.

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Bill "An Act Concerning the Removal of Municipal Employees"  
(S.P. 394) (L.D. 1133)  
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. 396)  
**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 26, 2013 at 10:00 in the morning.  
Came from the Senate, **READ** and **PASSED**.  
**READ** and **PASSED** in concurrence.

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The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey, who wishes to address the House on the record.  
Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Hampden Academy has just won the state championship basketball tournament. They are in the gallery and I wanted to recognize them today. Under Coach Bartlett's leadership, they went undefeated this year, had a great season. They even beat my Lawrence Bulldogs. I am a graduate of Lawrence High School. They beat my team in an unprecedented finish right to the buzzer. I am so proud of the team. They've got a brand new high school and we are very excited to bring a Gold Ball into a brand new high school, so congratulations on a job well done. Thank you, Mr. Speaker.

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The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks, who wishes to address the House on the record.  
Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise for the same purpose as my friend from Hampden. SAD 22 includes the three towns of Newburgh, Hampden and, of course, Winterport. Congratulations to the team coming from the best school in the state. If you don't believe it, just ask them.

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The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Reed, who wishes to address the House on the record.  
Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have to do

this today. I stand to pay respect to a longtime rival and past opponent, the Hampden Broncos. We all know in this House that everything rises and falls on leadership. This is the second Class A Championship that the Broncos have won under Russ Bartlett and the coaching staff, and I would submit to you today, at this time, the Hampden Broncos are under great leadership. John Wooden, the great coach of the UCLA Bruins basketball team, said this: *Success is peace of mind, which is a direct result of self-satisfaction in knowing that you did your best to become the best you are capable of becoming.* This exemplifies the fine Hampden Broncos basketball team this year. They set their sights on the coveted prize at the start of the season and never looked back. They completed an undefeated season going 22 and 0. This is not easy to do because you are the biggest target every night. Quite often, we know the best team doesn't always win. So to do it when you are the best team, there is a great deal of satisfaction in that because you did become the best that you were capable in becoming. Congratulations to Russ, Gary and other members of the coaching staff. Congratulations to all the Hampden players and managers. You were fun to watch, you played hard, you did it with class, and it doesn't get any better than that.

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#### **ENACTORS**

#### **Emergency Measure**

An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation

(H.P. 423) (L.D. 604)  
(C. "A" H-9)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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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 **ROTUNDO** of Lewiston, the House adjourned at 12:09 p.m., until 10:00 a.m., Tuesday, March 26, 2013 pursuant to the Joint Order (S.P. 396).