

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
5th Legislative Day
Tuesday, January 11, 2011

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

Prayer by Nancy True, President, American Legion Auxiliary of Maine.

National Anthem by Jocelyn Mosher-Collins, Jay.
Pledge of Allegiance.

At this point, the Members of the House stood and joined in a moment of silence for the people who lost their lives and lost their love ones, and to keep in our prayers Congresswoman Gifford after the tragedy of last weekend.

Doctor of the day, Janis Petzel, M.D., Hallowell.
The Journal of Thursday, January 6, 2011 was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolve 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 To Amend the Laws Governing the Maine Potato Board" (EMERGENCY)

(H.P. 34) (L.D. 41)

Sponsored by Representative EDGECOMB of Caribou.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, CLARK of Easton, GIFFORD of Lincoln, RICHARDSON of Warren, TIMBERLAKE of Turner, WILLETTE of Mapleton, WILLETTE of Presque Isle.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

(H.P. 37) (L.D. 44)

Sponsored by Representative PLUMMER of Windham.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BURNS of Whiting, CEBRA of Naples, CRAFTS of Lisbon, HINCK of Portland, LAJOIE of Lewiston, PARRY of Arundel, SARTY of Denmark.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in Public Schools"

(H.P. 38) (L.D. 45)

Sponsored by Representative EVES of North Berwick.
Cosponsored by Senator ALFOND of Cumberland and Representatives: LOVEJOY of Portland, MAKER of Calais, NELSON of Falmouth, RANKIN of Hiram, WAGNER of Lewiston.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

(H.P. 41) (L.D. 48)

Sponsored by Representative FLOOD of Winthrop.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: COTTA of China, KNAPP of Gorham, PILON of Saco, WEAVER of York, Senator: McCORMICK of Kennebec.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Allow Storage of Lobster Traps on Docks"

(H.P. 42) (L.D. 49)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Senator TRAHAN of Lincoln and Representatives: DOW of Waldoboro, HAMPER of Oxford, KRUGER of Thomaston, MacDONALD of Boothbay, OLSEN of Phippsburg, TILTON of Harrington, WEAVER of York, Senator: RECTOR of Knox.

Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System

(H.P. 50) (L.D. 57)

Sponsored by Representative BEAUDOIN of Biddeford.
Cosponsored by Senator SULLIVAN of York and Representatives: DILL of Cape Elizabeth, GOODE of Bangor, MALONEY of Augusta, PETERSON of Rumford, ROCHELO of Biddeford, TREAT of Hallowell, Senator: PATRICK of Oxford.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative STRANG BURGESS of Cumberland, the Resolve was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow the Owner of Waterfront Property To Fish That Body of Water without a Fishing License"

(H.P. 49) (L.D. 56)

Sponsored by Representative RIOUX of Winterport.
Cosponsored by Senator THIBODEAU of Waldo and Representatives: CELLI of Brewer, CLARK of Easton, DAMON of Bangor, DAVIS of Sangerville, FOSTER of Augusta, HARMON of Palermo, JOHNSON of Eddington, WOOD of Sabattus.

Bill "An Act To Restore Hunting Rights in the Katahdin Lake Region" (EMERGENCY)

(H.P. 48) (L.D. 55)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Senator THOMAS of Somerset and Representatives: CELLI of Brewer, CLARK of Millinocket, CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, LONG of Sherman, WOOD of Sabattus, Senator: TRAHAN of Lincoln.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative DAVIS of Sangerville, **TABLED** pending **REFERENCE** and later today assigned.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Extend Fair Trade Practice to Automobile Rentals Provided When Insured Automobiles Are Damaged"

(H.P. 46) (L.D. 53)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Senator THOMAS of Somerset and Representatives: BICKFORD of Auburn, CAREY of Lewiston, HANLEY of Gardiner, LAJOIE of Lewiston, NASS of Acton, PRESCOTT of Topsham, WAGNER of Lewiston, WEAVER of York.

Bill "An Act To Extend Coverage under the State's Mini-COBRA Law"

(H.P. 53) (L.D. 60)

Sponsored by Representative LOVEJOY of Portland.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAIN of Orono, MORRISON of South Portland, RICHARDSON of Carmel, TREAT of Hallowell, Senator: ALFOND of Cumberland.

JUDICIARY

Bill "An Act Related to Family Law Magistrates"

(H.P. 32) (L.D. 39)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator HILL of York and Representatives: DILL of Cape Elizabeth, HARLOW of Portland, NASS of Acton, PETERSON of Rumford, PRIEST of Brunswick, STEVENS of Bangor, Senators: BLISS of Cumberland, HASTINGS of Oxford.

Bill "An Act Regarding Access to Sexually Explicit Material"

(H.P. 44) (L.D. 51)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator HOBBS of York and Representatives: CAREY of Lewiston, DILL of Cape Elizabeth, MALONEY of Augusta, WATERHOUSE of Bridgton, Senator: DIAMOND of Cumberland.

Bill "An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act"

(H.P. 51) (L.D. 58)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York and Representatives: BICKFORD of Auburn, CHASE of Wells, CURTIS of Madison, FITTS of Pittsfield, HARVELL of Farmington, O'CONNOR of Berwick, SIROCKI of Scarborough, WINSOR of Norway.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Repeal the Maine Uniform Building and Energy Code"

(H.P. 36) (L.D. 43)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: CEBRA of Naples, CLARK of Easton, COTTA of China, CRAY of Palmyra, GIFFORD of Lincoln, JOHNSON of Eddington, LIBBY of Waterboro, PARRY of Arundel.

Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System"

(H.P. 39) (L.D. 46)

Sponsored by Representative EVES of North Berwick.

Cosponsored by Senator RECTOR of Knox and Representatives: GILBERT of Jay, HERBIG of Belfast, HUNT of Buxton, PRESCOTT of Topsham, TUTTLE of Sanford, VOLK of Scarborough.

STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives

(H.P. 33) (L.D. 40)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: BECK of Waterville, BICKFORD of Auburn and Representatives: BENNETT of Kennebunk, COTTA of China, KAENRATH of South Portland, O'CONNOR of Berwick, PARRY of Arundel, SANDERSON of Chelsea, SIROCKI of Scarborough, WILLETTE of Presque Isle.

TAXATION

Bill "An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry"

(H.P. 35) (L.D. 42)

Sponsored by Representative EDGECOMB of Caribou.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, GIFFORD of Lincoln, TIMBERLAKE of Turner, WILLETTE of Mapleton, WOOD of Sabattus.

Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers"

(H.P. 52) (L.D. 59)

Sponsored by Representative MAZUREK of Rockland.

Cosponsored by Senator RECTOR of Knox and Representatives: KRUGER of Thomaston, MacDONALD of Boothbay, McKANE of Newcastle, O'BRIEN of Lincolnville, PETERSON of Rumford, RICHARDSON of Warren, WELSH of Rockport.

TRANSPORTATION

Bill "An Act To Amend the Laws Governing Access to State and State Aid Highways To Allow a Break in a Control of Access"

(H.P. 40) (L.D. 47)

Sponsored by Representative PEOPLES of Westbrook.

Cosponsored by Representatives: CEBRA of Naples, DRISCOLL of Westbrook, Senators: BARTLETT of Cumberland, GOODALL of Sagadahoc.

Bill "An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel"

(H.P. 43) (L.D. 50)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: CEBRA of Naples, SARTY of Denmark, WILLETTE of Mapleton, WILLETTE of Presque Isle.

Bill "An Act To Dedicate a Percentage of the Sales and Use Tax on Motor Vehicles and Motor Vehicle Parts to the Highway Fund"

(H.P. 45) (L.D. 52)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator THOMAS of Somerset and Representatives: CURTIS of Madison, CUSHING of Hampden, McKANE of Newcastle, RIOUX of Winterport, SARTY of Denmark, WILLETTE of Mapleton, Senators: COLLINS of York, COURTNEY of York.

Bill "An Act To Revise the Law Regarding Vehicle Turning and Signals"

(H.P. 47) (L.D. 54)

Sponsored by Representative SHAW of Standish.

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

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today we are privileged to have in the Hall of Flags the American Legion and the American Legion Auxiliary, and the Sons of the American Legion.

The American Legion, in my opinion, is a perfect organization. That doesn't say that sometimes it's populated by a few scoundrels, but it is a perfect organization. All members of the American Legion, as they go through their community service and have official meetings, recite the preamble to their constitution. This preamble has survived more than nine decades with one change. The one change in the preamble was to change the word "war" to "wars." It was written in 1919 and has served for more than nine decades. I believe this preamble epitomizes what the American Legion is about, and I would like to describe for you the elements of this preamble. The preamble itself is only 115 words in length and some of the themes that are highlighted in that preamble:

For God and country, we associate ourselves together for the following purposes: This is the opening statement that declares the Legion recognizes the influence of Almighty God in all worthwhile endeavors – and links the allegiance of American Legionnaires to both God and nation. First things are first. A guidepost is erected. All that follows is in conformity.

To uphold and defend the Constitution of the United States of America. Our American Constitution contains the fundamentals of our system of government. It is one guarantee of liberty, freedom and democracy. Written by inspired men, it has served our people for more than 200 years and is destined to serve us as long as our nation endures.

To maintain law and order. Members of the American Legion have fought in several wars and peace-keeping missions to uphold law and order among nations. It is as important that law and order be likewise supported in our domestic affairs.

To foster and perpetuate a one hundred percent Americanism. Americanism is an ideal. It stands for individual rights, fair play and justice. It stands for equal opportunity for all. It gives equal rights to each and all in the way they would worship their God. It gives each and all the freedom to cast a secret ballot for the party and person of their choice.

To make right the master of might. And this is my favorite. The ideal situation is right, backed by might. But many times it does not prevail.

To promote peace and good will on earth. This principle of the preamble seems far from attainment – and that makes it more important as we continue the effort.

To safeguard and transmit to posterity the principles of justice, freedom and democracy. Our nation grows strong by its adherence to these principles. Lands which we conquered in war have been given back to their own people with their own chosen leaders as we have helped heal the wounds of war.

To preserve the memories and incidents of our associations in the Great Wars. Service under arms in defense of this nation is a great experience of almost every veteran's life. But it means more than a memory of the excitement of battle, the grime of muddy fields, the depths of sub-infested oceans, and the long miles of green seas, or the wild blue yonder.

It means recalling the comradeship, the endurance, the bravery of friends who come from all levels of society building bonds to sustain them in battle.

To inculcate a sense of individual obligation to the community, state and nation. Always interested in building a better nation, the founders of the American Legion believed then and the American Legion believes now that such building must start first with the individual. This means initiating and supporting projects for community involvement – in schools, churches, recreation and at the ballot box.

It also means paying taxes, contributing to charity, and giving blood for those who need it.

It means Legionnaires must take responsibility for their contribution to all of those things that will make their town a better town, their state a better state, and their country a better nation. This task needs constant action, for it is never done.

To combat the autocracy of both the classes and the masses. Our democracy is composed of all nationalities, races, creeds, and economic groups. Our citizens form the melting pot that has given us leadership of the world in so many fields of endeavor. There are bound to be both classes and masses. Indeed, the masses are composed of class – but all groups within the mass must feel assured that reason and fairness will prevail in all human activities and relations.

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness. This is the dominant characteristic of the American Legion and of Legionnaires. This sends the banker out to help harvest the crop for the sick farmer comrade. This brings the workman to an operation to offer blood or to an injured employer. This spells out our interest in the welfare of the widow and the children of those who wore the uniform of service.

This sends us to a hospital to care for those for whom the war is not over. It persuades us to provide equipment for wards and operating rooms; scholarships for children; a helping hand whenever it is needed by a comrade or a comrade's family.

This is the meaning of the preamble to The American Legion Constitution. It is our foundation. It was made solid in 1919 – and it has never cracked in nine decades. It is from this foundation that the Legionnaires of the 21st century draw their strength and guidance for continued service to God and country.

Please stop by and visit the Legionnaires today in the Hall of Flags. They are America's nobility.

On motion of Representative CAIN of Orono, the House adjourned at 10:38 a.m., until 10:00 a.m., Wednesday, January 12, 2011.