

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

December 1, 2010 – June 29, 2011

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
6th Legislative Day
Wednesday, January 12, 2011

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

Prayer by Honorable Philip A. Curtis, Madison.
National Anthem by Rachel Ellis, Augusta.
Pledge of Allegiance.
Doctor of the day, David Jones, M.D., Presque Isle.
The Journal of yesterday was read and approved.

Pursuant to his authority under House Rule 401.1, the Chair temporarily assigned Representative THERIAULT of Madawaska to seat 100 and Representative HASKELL of Portland to seat 103, effective immediately.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line"

(S.P. 36) (L.D. 63)

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 Implementing a Fisheries Permit Banking Program"

(S.P. 34) (L.D. 61)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act Relating to the State Bid Process"

(S.P. 35) (L.D. 62)

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 Make a Violation of the Laws Governing Seat Belts a Secondary Offense"

(S.P. 37) (L.D. 64)

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

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

COMMUNICATIONS

The Following Communication: (S.P. 28)

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 6, 2011
Honorable Kevin Raye
President of the Senate

3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating William H. Beardsley of Ellsworth for appointment as Commissioner of the Department of Conservation.

Pursuant to Title 12, MRSA §5011, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 29)

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 6, 2011

Honorable Kevin Raye
President of the Senate

3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating H. Sawin Millett, Jr. of Waterford for appointment as Commissioner of the Department of Administrative and Financial Services.

Pursuant to Title 5, MRSA §281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 30)

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 6, 2011

Honorable Kevin Raye
President of the Senate

3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating John Morris of West Gardiner for appointment as Commissioner of the Department of Public Safety.

Pursuant to Title 25, MRSA §2901, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 31)
STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 10, 2011

Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Darryl N. Brown of Livermore Falls for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, MRSA §341-A, this nomination will require review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 32)
STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 10, 2011

Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Philip A. Congdon of Round Pond for appointment as Commissioner of the Department of Economic and Community Development.

Pursuant to Title 5, MRSA §13057, this nomination will require review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 33)
STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 10, 2011

Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Norman H. Olsen of Cherryfield for appointment as Commissioner of the Department of Marine Resources.

Pursuant to Title 12, MRSA §6022, this nomination will require review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act Relating to Standardbred Horse Breeding" (EMERGENCY)

(H.P. 55) (L.D. 67)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, FITTS of Pittsfield, FOSTER of Augusta, GIFFORD of Lincoln, LIBBY of Waterboro, RIOUX of Winterport.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Legalize the Sale, Possession and Use of Fireworks" (EMERGENCY)

(H.P. 71) (L.D. 83)

Sponsored by Representative DAMON of Bangor.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BENNETT of Kennebunk, JOHNSON of Eddington, LIBBY of Waterboro, O'CONNOR of Berwick, PARKER of Veazie, RIOUX of Winterport, SIROCKI of Scarborough, WOOD of Sabattus.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Amend the Laws Governing the Capital Reserve Funds of the Maine Educational Loan Authority" (EMERGENCY)

(H.P. 54) (L.D. 66)

Sponsored by Representative MAKER of Calais.

Cosponsored by President RAYE of Washington.

Bill "An Act To Include the Study of Franco-American History in the System of Learning Results"

(H.P. 65) (L.D. 77)

Sponsored by Representative BOLDUC of Auburn.

Cosponsored by Representatives: AYOTTE of Caswell, BELIVEAU of Kittery, DION of Portland, FREDETTE of Newport, GILBERT of Jay, LAJOIE of Lewiston, MALONEY of Augusta, TREAT of Hallowell.

ENERGY, UTILITIES AND TECHNOLOGY

Resolve, Directing the Public Utilities Commission To Examine the Purchase of Low-cost Electric Power from Quebec

(H.P. 56) (L.D. 68)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Improve the Sewer District Rate Collection Procedures" (EMERGENCY)

(H.P. 72) (L.D. 84)

Sponsored by Representative FITTS of Pittsfield.

HEALTH AND HUMAN SERVICES

Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

(H.P. 58) (L.D. 70)

Sponsored by Representative RICHARDSON of Warren.

Cosponsored by Representative: SIROCKI of Scarborough.

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Electronic Benefits Transfer Cards

(H.P. 63) (L.D. 75)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, DAMON of Bangor, DUNPHY of Embden, JOHNSON of Eddington, LONG of Sherman, McCLELLAN of Raymond, RIOUX of Winterport, TIMBERLAKE of Turner.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Antlerless Deer Permits To Be Transferred to Family Members"

(H.P. 66) (L.D. 78)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CRAY of Palmyra, GIFFORD of Lincoln, GILBERT of Jay, HARVELL of Farmington, PICCHIOTTI of Fairfield, SANDERSON of Chelsea.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Restore the Historical Town Boundary between Harpswell and Brunswick"

(H.P. 57) (L.D. 69)

Sponsored by Representative OLSEN of Phippsburg. (BY REQUEST)

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CHASE of Wells, CLARKE of Bath, CRAFTS of Lisbon, FOSTER of Augusta, HARVELL of Farmington, PRESCOTT of Topsham, WINTLE of Garland, WOOD of Sabattus.

Bill "An Act To Designate the Whoopie Pie as the State Dessert"

(H.P. 59) (L.D. 71)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THOMAS of Somerset and Representatives: CAIN of Orono, CURTIS of Madison, DOW of Waldoboro, FREDETTE of Newport, GIFFORD of Lincoln, GOODE of Bangor, RUSSELL of Portland, WOOD of Sabattus.

Bill "An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings"

(H.P. 60) (L.D. 72)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator FARNHAM of Penobscot and Representatives: BEAULIEU of Auburn, CAREY of Lewiston, VALENTINO of Saco, WILLETTE of Presque Isle, Senator: PATRICK of Oxford.

Bill "An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township" (EMERGENCY)

(H.P. 69) (L.D. 81)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator THOMAS of Somerset.

Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County" (EMERGENCY)

(H.P. 70) (L.D. 82)

Sponsored by Representative MOULTON of York.

Cosponsored by Senator COURTNEY of York and Representative: CHASE of Wells, Senator: COLLINS of York.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative COTTA of China, **TABLED** pending **REFERENCE** and later today assigned.

TAXATION

Bill "An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price"

(H.P. 67) (L.D. 79)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BENNETT of Kennebunk, HARMON of Palermo, NEWENDYKE of Litchfield, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, PILON of Saco, SANDERSON of Chelsea, Senator: TRAHAN of Lincoln.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Establish a Uniform Deadline for Persons Qualifying as Candidates"

(H.P. 61) (L.D. 73)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet"

(H.P. 62) (L.D. 74)

Sponsored by Representative WOOD of Sabattus. (BY REQUEST)

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 64) (L.D. 76)

Sponsored by Representative GILLWAY of Searsport. (BY REQUEST)

Cosponsored by Senator THIBODEAU of Waldo and Representatives: CRAY of Palmyra, GIFFORD of Lincoln.

Bill "An Act Regarding Maine Clean Election Act Funds for a Candidate without a Primary Opponent"

(H.P. 68) (L.D. 80)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BURNS of Whiting, DILL of Old Town, GIFFORD of Lincoln, HANLEY of Gardiner, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, PLUMMER of Windham, VALENTINO of Saco.

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 7)

ORDERED, that Representative Stacey K. Guerin of Glenburn be excused January 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused January 5 for health reasons.

READ and PASSED.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment 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 Restore Hunting Rights in the Katahdin Lake Region" (EMERGENCY)

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

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested)
TABLED - January 11, 2011 (Till Later Today) by Representative DAVIS of Sangerville.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative DAVIS of Sangerville, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 38)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 18, 2011, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Resolve, To Require Dementia Care Training in Long-term Care Facilities, Adult Day Care Programs, Certain Residential Care Facilities and Supported Living Arrangements

(S.P. 39) (L.D. 65)

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.

On motion of Representative WEAVER of York, the House adjourned at 10:28 a.m., until 10:00 a.m., Tuesday, January 18, 2011 pursuant to the Joint Order (S.P. 38).