

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
8th Legislative Day
Thursday, January 20, 2011

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

Prayer by Pastor Kathleen Dunford, Mercer United Methodist Church.

National Anthem by Durham Community School Band.

Pledge of Allegiance.

Doctor of the day, Rebecca Chagrasulis, M.D., Otisfield.

The Journal of Tuesday, January 18, 2011 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

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)

REFERRED to the Committee on **TRANSPORTATION** in the House on January 11, 2011.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 40)

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036

January 14, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at www.maine.gov/financialinstitutions.

Very truly yours,

S/Lloyd P. LaFountain III

Superintendent

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

The Following Communication: (H.C. 41)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333

January 12, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the Committee on Criminal Justice and Public Safety has approved the request by the sponsor, Representative Haskell of Portland, to report the following "Leave to Withdraw":

L.D. 37 An Act To Amend the Deferred Disposition Law
As It Pertains to Sex Offenses

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

The Following Communication: (H.C. 42)

STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148

January 19, 2011

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Priest:

Governor LePage has set Tuesday, March 1, 2011, as the date for the Special Election to be held in District 11.

Please find enclosed a certified copy of the Governor's Proclamation, as well as a copy of the forms to be used at the municipal caucus. Please contact the Division of Elections at 624-7650 if you have any questions regarding this election.

Sincerely,

S/Charles W. Summers, Jr.

Secretary of State

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

Resolve, To Establish the Commission To Study the Promotion and Expansion of the Maine Maple Sugar Industry (EMERGENCY)

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

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator RECTOR of Knox and Representatives: BRYANT of Windham, HERBIG of Belfast, HUNT of Buxton, MARTIN of Eagle Lake, PRESCOTT of Topsham, Senator: JACKSON of Aroostook.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide"

(H.P. 93) (L.D. 111)

Sponsored by Representative KUMIEGA of Deer Isle.

Cosponsored by Representatives: CHAPMAN of Brooksville, O'BRIEN of Lincolnville, Senator: LANGLEY of Hancock.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements" (EMERGENCY)

(H.P. 105) (L.D. 123)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THOMAS of Somerset and Representatives: BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, FREDETTE of Newport, GIFFORD of Lincoln, Senators: COURTNEY of York, GERZOFKY of Cumberland, TRAHAN of Lincoln.

Bill "An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives"

(H.P. 108) (L.D. 126)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BOLAND of Sanford, CAIN of Orono, DION of Portland, HASKELL of Portland, MALONEY of Augusta, MITCHELL of the Penobscot Nation, PETERSON of Rumford, RUSSELL of Portland.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Allow Vietnam Veterans To Receive High School Diplomas Posthumously"

(H.P. 96) (L.D. 114)

Sponsored by Representative COTTA of China.

Cosponsored by Senator COURTNEY of York and Representatives: AYOTTE of Caswell, CROCKETT of Bethel, HARVELL of Farmington, KESCHL of Belgrade, Senator: SAVIELLO of Franklin.

Bill "An Act To Allow a Tax Credit for Students Enrolled in Postsecondary Nondegree Programs"

(H.P. 101) (L.D. 119)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: EDGECOMB of Caribou, JOHNSON of Greenville, MAKER of Calais, McCLELLAN of Raymond, RICHARDSON of Carmel, SARTY of Denmark.

Resolve, Directing the Department of Education To Explore Options To Increase Participation in the University of Southern Maine's Extended Teacher Education Program

(H.P. 112) (L.D. 130)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Eliminate the Penalty for Schools That Did Not Reorganize"

(H.P. 121) (L.D. 139)

Sponsored by Representative EDGECOMB of Caribou.

Cosponsored by Representatives: CHIPMAN of Portland, CLARK of Millinocket, DAVIS of Sangerville, O'BRIEN of Lincolnville, TILTON of Harrington, Senators: PLOWMAN of Penobscot, TRAHAN of Lincoln, Senator SHERMAN of Aroostook and Representatives: AYOTTE of Caswell, CLARK of Easton, FREDETTE of Newport, HARVELL of Farmington, MARTIN of Eagle Lake, WILLETTE of Mapleton, WILLETTE of Presque Isle.

ENVIRONMENT AND NATURAL RESOURCES

Resolve, Directing the Department of Environmental Protection To Convene a Task Force To Develop Initiatives To Reduce Unnecessary Packaging

(H.P. 114) (L.D. 132)

Sponsored by Representative DAVIS of Sangerville.

HEALTH AND HUMAN SERVICES

Bill "An Act To Amend the Laws Regarding Public Health Infrastructure"

(H.P. 103) (L.D. 121)

Sponsored by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by President RAYE of Washington and Representatives: MAKER of Calais, McFADDEN of Dennysville, MITCHELL of the Penobscot Nation, TILTON of Harrington.

Resolve, To Align Child-to-staff Ratios in Child Care Facilities

(H.P. 109) (L.D. 127)

Sponsored by Representative HARVELL of Farmington.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Trapping in Northern Maine without the Written Consent of the Landowner"

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

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Senator MARTIN of Kennebec and Representatives: BENNETT of Kennebunk, CLARK of Millinocket, COTTA of China, CRAY of Palmyra, DAVIS of Sangerville, LIBBY of Waterboro, PARRY of Arundel, SANDERSON of Chelsea.

Bill "An Act To Amend the Fees for Infant Lifetime Hunting Licenses"

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

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, GIFFORD of Lincoln, LIBBY of Waterboro, PARRY of Arundel, SANDERSON of Chelsea, WOOD of Sabattus.

Bill "An Act To Discourage Illegal Dumping in the State"

(H.P. 94) (L.D. 112)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: CHIPMAN of Portland, CLARK of Millinocket, GILBERT of Jay, GOODE of Bangor, HARVELL of Farmington, SARTY of Denmark, Senator: GOODALL of Sagadahoc.

Bill "An Act To Extend Native American Hunting Rights"

(H.P. 115) (L.D. 133)

Sponsored by Representative JOHNSON of Greenville. (BY REQUEST)

Bill "An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species"

(H.P. 116) (L.D. 134)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THOMAS of Somerset and Representatives: BLACK of Wilton, CLARK of Millinocket, CRAFTS of Lisbon, CRAY of Palmyra, FREDETTE of Newport, GIFFORD of Lincoln, Senators: ROSEN of Hancock, SAVIELLO of Franklin.

Bill "An Act To Allow the Use of Crossbows during the Archery Season"

(H.P. 119) (L.D. 137)

Sponsored by Representative HARVELL of Farmington.
Cosponsored by Representative CRAFTS of Lisbon, Senator JACKSON of Aroostook and Representatives: CLARK of Millinocket, CRAY of Palmyra, CROCKETT of Bethel, GIFFORD of Lincoln, LIBBY of Waterboro, PARRY of Arundel, SHAW of Standish, WILLETTE of Mapleton.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Raise the Required Minimum Limits for Motor Vehicle Insurance"

(H.P. 107) (L.D. 125)

Sponsored by Representative COTTA of China.
Cosponsored by Senator GERZOFKY of Cumberland and Representatives: HARVELL of Farmington, KESCHL of Belgrade, MORISSETTE of Winslow, PICCHIOTTI of Fairfield, RICHARDSON of Warren, STUCKEY of Portland, WILLETTE of Presque Isle.

JUDICIARY

Bill "An Act To Amend the Laws Governing Child Support Enforcement"

(H.P. 97) (L.D. 115)

Sponsored by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and Representatives: BENNETT of Kennebunk, O'CONNOR of Berwick, PARRY of Arundel, STUCKEY of Portland.

Bill "An Act To Require a 24-hour Waiting Period prior to an Abortion"

(H.P. 98) (L.D. 116)

Sponsored by Representative CLARK of Easton.
Cosponsored by Senator MASON of Androscoggin and Representatives: AYOTTE of Caswell, BURNS of Whiting, CRAFTS of Lisbon, NASS of Acton, TIMBERLAKE of Turner, WILLETTE of Mapleton.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists"

(H.P. 111) (L.D. 129)

Sponsored by Representative HARVELL of Farmington.

Bill "An Act To Amend the Unemployment Compensation Law Regarding Denial of Benefits for Refusing To Accept Work"

(H.P. 118) (L.D. 136)

Sponsored by Representative WOOD of Sabattus.
Cosponsored by Senator MASON of Androscoggin and Representatives: CLARK of Easton, PRESCOTT of Topsham.

Bill "An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions"

(H.P. 100) (L.D. 118)

Sponsored by Representative HARVELL of Farmington.
Cosponsored by Senator THOMAS of Somerset and Representatives: DOW of Waldoboro, GIFFORD of Lincoln, LIBBY of Waterboro, PARRY of Arundel, PLUMMER of Windham, PRESCOTT of Topsham, VOLK of Scarborough, Senator: WHITEMORE of Somerset.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative PRESCOTT of Topsham, TABLED pending REFERENCE and later today assigned.

Bill "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment"

(H.P. 106) (L.D. 124)

Sponsored by Representative HARVELL of Farmington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, CLARK of Millinocket, CRAFTS of Lisbon, DAVIS of Sangerville, DUCHESNE of Hudson, DUNPHY of Embden, EDGECOMB of Caribou, TIMBERLAKE of Turner.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

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

MARINE RESOURCES

Bill "An Act To Support Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide"

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

Sponsored by Representative KUMIEGA of Deer Isle.
Cosponsored by Representatives: CHAPMAN of Brooksville, KRUGER of Thomaston, O'BRIEN of Lincolnville, Senators: LANGLEY of Hancock, RECTOR of Knox.

STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators

(H.P. 95) (L.D. 113)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representative BEAVERS of South Berwick, Senator THOMAS of Somerset and Representatives: GRAHAM of North Yarmouth, SARTY of Denmark, Senator: COLLINS of York.

Bill "An Act To Change Health Care Provisions for Retired Legislators"

(H.P. 104) (L.D. 122)

Sponsored by Representative KESCHL of Belgrade.
Cosponsored by Senator KATZ of Kennebec and Representatives: COTTA of China, CRAFTS of Lisbon, HARMON of Palermo, SANDERSON of Chelsea, WOOD of Sabattus, Senator: TRAHAN of Lincoln.

Bill "An Act To Provide Seniors with Access to State Forms"

(H.P. 110) (L.D. 128)

Sponsored by Representative PARRY of Arundel.
Cosponsored by Senator SULLIVAN of York and Representatives: CASAVANT of Biddeford, CELLI of Brewer, COTTA of China, CURTIS of Madison, HARVELL of Farmington, O'CONNOR of Berwick, Senator: COLLINS of York.

Bill "An Act To Allow a Nonresident Notary Public or Justice of the Peace To Perform a Single Wedding Ceremony"

(H.P. 120) (L.D. 138)

Sponsored by Representative BRIGGS of Mexico.
Cosponsored by Senator PATRICK of Oxford and Representatives: BEAUDOIN of Biddeford, BRYANT of Windham, CAIN of Orono, GRAHAM of North Yarmouth,

MALONEY of Augusta, MITCHELL of the Penobscot Nation, PETERSON of Rumford, Senator: TRAHAN of Lincoln.

TAXATION

Bill "An Act To Amend the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"

(H.P. 99) (L.D. 117)

Sponsored by Representative HARVELL of Farmington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: CHASE of Wells, CUSHING of Hampden, FITZPATRICK of Houlton, GIFFORD of Lincoln, LIBBY of Waterboro, PARRY of Arundel, PLUMMER of Windham, VALENTINO of Saco.

Bill "An Act To Change the Threshold for Qualification for a Sales Tax Resale Certificate"

(H.P. 113) (L.D. 131)

Sponsored by Representative JOHNSON of Greenville. (BY REQUEST)

TRANSPORTATION

Bill "An Act To Allow the Placement of Certain Road Signs That Advertise a Small Business"

(H.P. 117) (L.D. 135)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Senator THOMAS of Somerset and Representatives: BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, FREDETTE of Newport, GIFFORD of Lincoln, HANLEY of Gardiner, Senators: COURTNEY of York, TRAHAN of Lincoln.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates"

(H.P. 102) (L.D. 120)

Sponsored by Representative CLARK of Easton.
Cosponsored by Representatives: CROCKETT of Bethel, HARVELL of Farmington and Representatives: CRAFTS of Lisbon, DAMON of Bangor, PARRY of Arundel, WILLETTE of Mapleton, WILLETTE of Presque Isle, WOOD of Sabattus, Senator: MASON of Androscoggin.

**Pursuant to Statute
Department of Education**

Representative RICHARDSON 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. 88) (L.D. 106)

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.

**Pursuant to Statute
Department of Health and Human Services**

Representative STRANG BURGESS for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

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

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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. 8)

ORDERED, that Representative Andrea M. Boland of Sanford be excused January 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused January 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused January 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane S. Knapp of Gorham be excused January 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused January 5 and 6 for health reasons.

READ and **PASSED**.

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

SENATE PAPERS

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

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 25, 2011, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

On motion of Representative MORISSETTE of Winslow, the House adjourned at 10:46 a.m., until 10:00 a.m., Tuesday, January 25, 2011 pursuant to the Joint Order (S.P. 42).