

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

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
9th Legislative Day
Tuesday, January 25, 2011

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

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

Prayer by Pastor Stan Griffin, Cornerstone Baptist Church of Exeter.

National Anthem by DOE Re Me Singers, Augusta.

Pledge of Allegiance.

Doctor of the day, Michael Lambke, M.D., Skowhegan.

The Journal of Thursday, January 20, 2011 was read and approved.

SENATE PAPERS

Bill "An Act To Institute a Snaring Program for Coyotes"
(S.P. 43) (L.D. 101)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts" (EMERGENCY)
(S.P. 46) (L.D. 104)

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 Allow Landowners Access across Railroad Tracks"

(S.P. 44) (L.D. 102)

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

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

Bill "An Act To Improve the Access of Beer and Wine Licensees to Agency Liquor Store Licenses"

(S.P. 45) (L.D. 103)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

Non-Concurrent Matter

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

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on January 20, 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. 43)

January 19, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Honorable Walter E. Whitcomb of Waldo for appointment as Commissioner of the Department of Agriculture, Food and Rural Resources.

Pursuant to Title 7, MRSA §1, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 44)

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

January 19, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Mary Mayhew of South China for appointment as Commissioner of the Department of Health and Human Services.

Pursuant to Title 22-A, MRSA §204, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 37)

MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY

January 20, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Honorable H. Sawin Millett, Jr. of Waterford for appointment as the Commissioner of the Department of Administrative and Financial Services.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and 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:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Increase the Retirement Age for New State Employees to 65 Years of Age"

(H.P. 124) (L.D. 141)

Sponsored by Representative ESPLING of New Gloucester.

Cosponsored by Representatives: CEBRA of Naples, JOHNSON of Eddington.

Resolve, To Provide \$1,000,000 to the Fund for the Efficient Delivery of Local and Regional Services

(H.P. 130) (L.D. 147)

Sponsored by Representative MOULTON of York.

Cosponsored by Senator COLLINS of York and Representatives: BOLAND of Sanford, NASS of Acton, O'CONNOR of Berwick, PARRY of Arundel, WEAVER of York.

Bill "An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards"

(H.P. 123) (L.D. 140)

Sponsored by Representative HUNT of Buxton.

Cosponsored by Representatives: EVES of North Berwick, LUCHINI of Ellsworth, McCABE of Skowhegan.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative FLOOD of Winthrop, the Bill was REFERRED to the Committee on **TAXATION**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Set Uniform Standards for School Construction"

(H.P. 131) (L.D. 148)

Sponsored by Representative BOLDUC of Auburn.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Regulate the Use of Magnesium Chloride"

(H.P. 127) (L.D. 144)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BENNETT of Kennebunk, CEBRA of Naples, ESPLING of New Gloucester, EVES of North Berwick, WALSH INNES of Yarmouth, McKANE of Newcastle, MOULTON of York, SIROCKI of Scarborough.

HEALTH AND HUMAN SERVICES

Bill "An Act To Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs"

(H.P. 133) (L.D. 150)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CLARK of Easton, CRAFTS of Lisbon, McKANE of Newcastle, O'CONNOR of Berwick, SANDERSON of

Chelsea, SARTY of Denmark, WATERHOUSE of Bridgton, WINSOR of Norway.

INLAND FISHERIES AND WILDLIFE

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Add One or More Moose Hunting Seasons in Wildlife Management District No. 8 (EMERGENCY)

(H.P. 134) (L.D. 151)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CLARK of Millinocket, CRAY of Palmyra, DUNPHY of Embden, GILBERT of Jay, MARTIN of Eagle Lake, SARTY of Denmark, Senators: THIBODEAU of Waldo, TRAHAN of Lincoln.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"

(H.P. 128) (L.D. 145)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Representatives: BEAUDOIN of Biddeford, BENNETT of Kennebunk, BERRY of Bowdoinham, CLARK of Millinocket, CRAFTS of Lisbon, Senators: BRANNIGAN of Cumberland, MASON of Androscoggin.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction"

(H.P. 135) (L.D. 152)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator BLISS of Cumberland and Representatives: GOODE of Bangor, KUMIEGA of Deer Isle, STUCKEY of Portland, Senators: ALFOND of Cumberland, GERZOFOSKY of Cumberland.

Bill "An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers"

(H.P. 129) (L.D. 146)

Sponsored by Representative FITZPATRICK of Houlton. (BY REQUEST)

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

On motion of Representative PRESCOTT of Topsham, the Bill was REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, ordered printed and sent for concurrence.

STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction of the Size of the Legislature

(H.P. 136) (L.D. 153)

Sponsored by Representative HINCK of Portland.

Cosponsored by Representatives: BURNS of Whiting, DOW of Waldoboro, MAZUREK of Rockland, Senators: GOODALL of Sagadahoc, KATZ of Kennebec, Senator SAVIELLO of Franklin and Representatives: BLODGETT of Augusta, GRAHAM of North

Yarmouth, HARVELL of Farmington, NELSON of Falmouth, PLUMMER of Windham, Senators: DIAMOND of Cumberland, HASTINGS of Oxford, SNOWE-MELLO of Androscoggin.

TAXATION

Bill "An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations"

(H.P. 132) (L.D. 149)

Sponsored by Representative CELLI of Brewer.
Cosponsored by Representatives: CRAFTS of Lisbon, RIOUX of Winterport, TIMBERLAKE of Turner.

TRANSPORTATION

Bill "An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities" (EMERGENCY)

(H.P. 126) (L.D. 143)

Sponsored by Representative GILBERT of Jay.
Cosponsored by Senator COURTNEY of York, Senator COLLINS of York and Representatives: BRYANT of Windham, CEBRA of Naples, CRAFTS of Lisbon, MAZUREK of Rockland, PETERSON of Rumford, Senators: DIAMOND of Cumberland, PATRICK of Oxford.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Improve Party Status Requirements"

(H.P. 125) (L.D. 142)

Sponsored by Representative CHIPMAN of Portland.
Cosponsored by Representatives: BEAULIEU of Auburn, CROCKETT of Bethel, VALENTINO of Saco.

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

ORDERS

On motion of Representative CORNELL du HOUX of Brunswick, the following Joint Order: (H.P. 122)

ORDERED, the Senate concurring, that Joint Rule 310 is amended by adding a new subsection 7 to read:

7. Addition of cosponsors. On any committee report of Ought to Pass, Ought to Pass as Amended or Ought to Pass in New Draft, the committee, by majority vote, may attach to the bill as a cosponsor the name of any Legislator who is a sponsor or cosponsor of a bill with a similar subject matter that is reported Ought Not to Pass by that committee.

Joint Select Committee on **JOINT RULES** suggested.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lieutenant J. Darrell Ouellette, of New Sweden, on the occasion of his retirement as a Maine State Trooper after 33 years of dedicated service. A graduate of the Maine Criminal Justice Academy, Lt. Ouellette was first assigned to the Van Buren area of Troop F and later transferred to the Caribou area

after completing undercover work in southern Maine. In 1984, he was promoted to Detective, going on to earn the Meritorious Service Award in 1990. He was promoted to Detective Sergeant, and transferred to Aroostook County as patrol supervisor in Troop F. Lt. Ouellette became Commander of the northern Criminal Investigation Division in 1993. In 1997, Lt. Ouellette became head of the Missing Children Clearinghouse for Maine, and in 2002 he took over command of Troop F. We send Lt. Ouellette our appreciation for his dedicated service and commitment to law enforcement and to the State of Maine. We extend our congratulations to him on his well-deserved retirement;

(HLS 49)

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator JACKSON of Aroostook, Representative MARTIN of Eagle Lake.

On **OBJECTION** of Representative AYOTTE of Caswell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Barbara Jean "Bobbie" Jordan, of Freeport, a beloved educator and leader. Ms. Jordan served as principal for the Leverett Elementary School in Massachusetts from 1985 to 1990, before coming to Maine to serve as principal of Williams-Cone School in Topsham, where she worked from 1990 to 2001, and later to Augusta, where she worked until her retirement in 2008 as the Director of Curriculum and Instruction for the Augusta Public Schools. Ms. Jordan received her Ph.D. in Education in 2001 from Nova Southeastern University in Fort Lauderdale, Florida. While in Maine, she served as president of the local chapter of Delta Kappa Gamma, a national organization for women educators. She was also involved in developing and supporting mentorship programs for new teachers and administrators in Maine. She traveled to Eastern Europe in 1999 as that area was opening to Western visitors as part of the Annenberg Institute for School Reform, and she traveled to Japan in 2002 as part of the Fulbright Memorial Teachers Exchange Program. Ms. Jordan was a member of the Durham Friends Meeting, and she was a singer and an organizational leader with Women in Harmony, a local women's chorus for the past 15 years. After her retirement, she continued to work in Augusta, helping to create and direct an exceptional after-school program for children in need of additional support, the Augusta 21st Century Program. She also traveled to Kenya in 2008 to help provide a summer camp experience for AIDS orphans through the Friends of Kakamega. We acknowledge her exceptional life and work; she will be greatly missed and long remembered by her life partner of 29 years, Sarah Sprogell, her loving family and friends, and those whose lives she touched;

(HLS 54)

Presented by Representative WEBSTER of Freeport.
Cosponsored by Senator GERZOFKY of Cumberland, Senator GOODALL of Sagadahoc, Representative KENT of Woolwich, Representative PRESCOTT of Topsham, Representative BLODGETT of Augusta, Representative MALONEY of Augusta, Senator KATZ of Kennebec, Representative FOSTER of Augusta.

On **OBJECTION** of Representative WEBSTER of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

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

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

SENATE PAPERS

Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood

(S.P. 48) (L.D. 155)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

On motion of Representative TUTTLE of Sanford, the House adjourned at 10:33 a.m., until 10:00 a.m., Thursday, January 27, 2011.

Bill "An Act To Change the Classification of the Lower Androscoggin River"

(S.P. 47) (L.D. 154)

Bill "An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act"

(S.P. 49) (L.D. 156)

Bill "An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management"

(S.P. 52) (L.D. 159)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Improve Public Understanding in the Rulemaking of Certain Departments"

(S.P. 51) (L.D. 158)

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.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, January 20, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

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

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - January 20, 2011 (Till Later Today) by Representative **PRESCOTT** of Topsham.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.
