

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
14th Legislative Day
Thursday, February 10, 2011

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

Prayer by Pastor Ron Corey, Getchell Street United Baptist Church, Waterville.

National Anthem by RSU #26 Glenburn Elementary School Chorus.

Pledge of Allegiance.

At this point, a message came from the Senate borne by Senator PLOWMAN of Penobscot of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to His Excellency, Governor Paul Richard LePage, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative CURTIS of Madison to convey this message to the Senate.

Doctor of the day, Benoit Blondeau, M.D., Auburn.
The Journal of Tuesday, February 8, 2011 was read and approved.

Subsequently, Representative CURTIS of Madison reported that he had delivered the message with which he was charged.

SENATE PAPERS

Bill "An Act To Reinstate the Fund for the Efficient Delivery of Local and Regional Services"

(S.P. 92) (L.D. 312)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 55)

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

February 8, 2011
Honorable Kevin L. Raye
President of the Senate
3 State House Station
Augusta, Maine 04333-0003
Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002
Dear President Raye and Speaker Nutting:

I thank you for the invitation to deliver my Budget Address at a Joint Session of the 125th Maine Legislature. I will be there on Thursday, February 10, 2011 at 11:00 a.m.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 57)
**STATE OF MAINE
125TH LEGISLATURE**

February 7, 2011
Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to our authority under Title 12, MRSA, Chapter 419, §4652, we are pleased to appoint Senator Brian D. Langley of Hancock to the Atlantic States Marine Fisheries Commission. Please let us know if you have any questions regarding this appointment.

Sincerely,
S/Kevin L. Raye
President of the Senate
S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 58)
**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 8, 2011
Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A, Section 11, I am pleased to appoint Representative Joyce A. Maker of Calais to the Citizen Trade Policy Commission. Please let me know if you have any questions regarding this appointment.

Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 60)
**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 8, 2011
Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:

Pursuant to my authority under Title 2, MRSA, Chapter 5, §104, I am pleased to appoint Representative Adam A. Goode of Bangor to the Advisory Council on Health Systems Development as a Representative serving on the Joint Standing Committee on Insurance and Financial Services.

Please let me know if you have any questions regarding this appointment.

Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 61)
**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

February 9, 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 Chandler E. Woodcock of Farmington for appointment as the Commissioner of the Department of Inland Fisheries and Wildlife. Pursuant to Title 12 MRSA, §10101, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 62)
**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

February 9, 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 Cheryl H. Russell of Chester for appointment as the Commissioner of the Department of Labor. Pursuant to Title 26, MRSA, §1401-A, this nomination will require review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 59)
**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 10, 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 following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 55 An Act To Restore Hunting Rights in the Katahdin Lake Region (EMERGENCY)

Transportation

L.D. 23 An Act To Authorize the Inclusion of Information Regarding Blood Type on Driver's Licenses

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

Sincerely,
S/Heather J.R. Priest
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 63)
**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 10, 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 Veterans and Legal Affairs has approved the request by the sponsor, Representative MacDonald of Boothbay, to report the following "Leave to Withdraw":

L.D. 172 An Act To Exempt Nonprofit Organizations from the Laws Governing Serving Alcohol near a Church

Sincerely,
S/Heather J.R. Priest
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 62)
**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

February 8, 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 nominations:

Upon the recommendation of the Committee on Health and Human Services, the nomination of Mary C. Mayhew of South

China for appointment as the Commissioner of the Department of Health and Human Services.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Honorable Walter E. Whitcomb of Waldo for appointment as the Commissioner of the Department of Agriculture, Food and Rural Resources.

Sincerely,
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 73)

**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

February 8, 2011
Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:

Please be advised the Senate today insisted to its previous action whereby it Referred Bill "An Act To Prevent the Spread of Milfoil in the Songo River" (H.P. 195) (L.D. 242) to the Committee on Inland Fisheries and Wildlife in Non-concurrence.

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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Simplify Dog Licensure By Establishing a 3-year License"

(H.P. 360) (L.D. 467)

Sponsored by Representative FLOOD of Winthrop.
Cosponsored by Senator THIBODEAU of Waldo and Representatives: CRAY of Palmyra, GIFFORD of Lincoln, TIMBERLAKE of Turner, WINSOR of Norway, Senators: SAVIELLO of Franklin, SHERMAN of Aroostook.

Bill "An Act To Require All Kennels Engaged in Breeding To Be Licensed and Inspected by the State"

(H.P. 384) (L.D. 491)

Sponsored by Representative TIMBERLAKE of Turner. (BY REQUEST)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute"

(H.P. 363) (L.D. 470)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator ALFOND of Cumberland and Representatives: CAREY of Lewiston, CHIPMAN of Portland, DION of Portland, HOGAN of Old Orchard Beach, MORRISON of South Portland, PEOPLES of Westbrook, TUTTLE of Sanford, Senator: BRANNIGAN of Cumberland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Weapons"

(H.P. 339) (L.D. 446)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BURNS of Whiting, CRAFTS of Lisbon, CUSHING of Hampden, DAVIS of Sangerville, PLUMMER of Windham, SARTY of Denmark, Senators: DIAMOND of Cumberland, THOMAS of Somerset.

Bill "An Act To Impose a Penalty for Making False Claims Regarding Military Service"

(H.P. 354) (L.D. 461)

Sponsored by Representative JOHNSON of Eddington.

Cosponsored by Representatives: BEAULIEU of Auburn, DAMON of Bangor, DUNPHY of Embden, ESPLING of New Gloucester, HARVELL of Farmington, KESCHL of Belgrade, KNAPP of Gorham, WOOD of Sabattus.

Bill "An Act To Authorize Certain Officials To Carry Automatic Knives While in the Performance of Their Duties"

(H.P. 357) (L.D. 464)

Sponsored by Representative AYOTTE of Caswell. (BY REQUEST)

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BURNS of Whiting, DAVIS of Sangerville.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require Annual Evaluation of Public School Teachers"

(H.P. 337) (L.D. 444)

Sponsored by Representative BELIVEAU of Kittery.

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

Bill "An Act To Remove the Restriction against a Spouse's Working in a School Administrative Unit in which the Other Spouse Serves on the School Board" (EMERGENCY)

(H.P. 342) (L.D. 449)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representative CHAPMAN of Brooksville and Representatives: DION of Portland, TUTTLE of Sanford, Senator: THOMAS of Somerset.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act Concerning Policy Objectives of the Public Utilities Commission"

(H.P. 356) (L.D. 463)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BERRY of Bowdoinham, CORNELL du HOUX of Brunswick, FITTS of Pittsfield, Senators: BARTLETT of Cumberland, SHERMAN of Aroostook.

Bill "An Act To Ensure the Greatest Possible Public Benefit from Energy Efficiency Spending"

(H.P. 378) (L.D. 485)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BLACK of Wilton, CURTIS of Madison, GIFFORD of Lincoln, TIMBERLAKE of Turner.

Bill "An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way"

(H.P. 386) (L.D. 493)

Sponsored by Representative HARVELL of Farmington. (BY REQUEST)

ENVIRONMENT AND NATURAL RESOURCES

Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks

(H.P. 332) (L.D. 439)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator JACKSON of Aroostook and Representative: EDGECOMB of Caribou, Senator: SHERMAN of Aroostook.

Bill "An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls"

(H.P. 335) (L.D. 442)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator COLLINS of York and Representatives: AYOTTE of Caswell, BENNETT of Kennebunk, CEBRA of Naples, GILLWAY of Searsport, McKANE of Newcastle, VALENTINO of Saco, Senators: HOBBS of York, SHERMAN of Aroostook.

Bill "An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations"

(H.P. 372) (L.D. 479)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator JACKSON of Aroostook and Representatives: DUCHESNE of Hudson, MARTIN of Eagle Lake, WELSH of Rockport, Senator: GOODALL of Sagadahoc.

Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights

(H.P. 373) (L.D. 480)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: EDGECOMB of Caribou, LONG of Sherman.

Bill "An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers"

(H.P. 377) (L.D. 484)

Sponsored by Representative TIMBERLAKE of Turner.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, CURTIS of Madison, DAVIS of Sangerville, GIFFORD of Lincoln, LONG of Sherman.

HEALTH AND HUMAN SERVICES

Bill "An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions"

(H.P. 336) (L.D. 443)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator BRANNIGAN of Cumberland and Representative: BLODGETT of Augusta.

Bill "An Act To Provide MaineCare Reimbursement for Pastoral Counselors"

(H.P. 345) (L.D. 452)

Sponsored by Representative CHAPMAN of Brooksville.

Cosponsored by Representatives: EVES of North Berwick, MALABY of Hancock.

Bill "An Act To Require Hospitals To Adopt Employee Illness and Injury Prevention Programs and To Provide Lift Teams and

To Require Reduced Workers' Compensation Insurance Rates for those Hospitals"

(H.P. 359) (L.D. 466)

Sponsored by Representative CELLI of Brewer.

Bill "An Act To Enhance the Security of Hospital Patients, Visitors and Employees"

(H.P. 365) (L.D. 472)

Sponsored by Representative CELLI of Brewer.

Cosponsored by Representative: RIOUX of Winterport.

Bill "An Act Regarding Private Health Insurance Purchased by the State for Recipients of MaineCare"

(H.P. 368) (L.D. 475)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: CUSHING of Hampden, FOSSEL of Alna, MORISSETTE of Winslow, PRESCOTT of Topsham, STRANG BURGESS of Cumberland, Senators: HASTINGS of Oxford, SNOWE-MELLO of Androscoggin, TRAHAN of Lincoln.

Bill "An Act To Ensure That Children's Products Are Free of Cadmium"

(H.P. 385) (L.D. 492)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator BLISS of Cumberland and Representatives: BERRY of Bowdoinham, DOW of Waldoboro, EBERLE of South Portland, GOODE of Bangor, WALSH INNES of Yarmouth, MALONEY of Augusta, Senators: ALFOND of Cumberland, BARTLETT of Cumberland.

INLAND FISHERIES AND WILDLIFE

Resolve, Directing the Department of Inland Fisheries and Wildlife To Study Scents Used in Hunting Deer and Renderings Used in Deer Feed

(H.P. 338) (L.D. 445)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: CEBRA of Naples, COTTA of China, DAVIS of Sangerville, HARVELL of Farmington, McKANE of Newcastle, MORISSETTE of Winslow, PARRY of Arundel, SARTY of Denmark.

Bill "An Act To Auction Off Moose Permits to Maine Guides"

(H.P. 343) (L.D. 450)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Representatives: CROCKETT of Bethel, HARVELL of Farmington, MacDONALD of Boothbay, WATERHOUSE of Bridgton, Senator: THIBODEAU of Waldo.

Bill "An Act To Allow Certain Residents over 70 Years of Age To Obtain a Complimentary Antlerless Deer Permit"

(H.P. 351) (L.D. 458)

Sponsored by Representative HARMON of Palermo.

Cosponsored by Senator JACKSON of Aroostook and Representatives: DAVIS of Sangerville, DUNPHY of Embden, GUERIN of Glenburn, HARVELL of Farmington, JOHNSON of Greenville, MALABY of Hancock, McCLELLAN of Raymond, RICHARDSON of Carmel.

Bill "An Act To Facilitate the Restoration of Hunting and Fishing Licenses That Have Been Suspended"

(H.P. 380) (L.D. 487)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Millinocket, DAVIS of Sangerville, SARTY of Denmark, Senators: PATRICK of Oxford, SAVIELLO of Franklin.

Bill "An Act To Allow Nonresidents To Hunt on the First Day of the Firearm Season on Deer"

(H.P. 381) (L.D. 488)

Sponsored by Representative SHAW of Standish.
Cosponsored by Representative: FITTS of Pittsfield.

Bill "An Act To Amend the Laws Governing Bear Hunting"

(H.P. 361) (L.D. 468)

Sponsored by Representative WOOD of Sabattus.
Cosponsored by Representatives: BLACK of Wilton, CROCKETT of Bethel, RICHARDSON of Warren, TIMBERLAKE of Turner, 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 Allow Employees of the Maine School of Science and Mathematics to Join the State's Group Health Plan"

(H.P. 333) (L.D. 440)

Sponsored by Representative AYOTTE of Caswell.
Cosponsored by Senator SHERMAN of Aroostook and Representative: EDGECOMB of Caribou.

Resolve, Directing the Superintendent of Insurance To Form a Compact with Other State Commissioners of Insurance on the Purchase of Insurance out of State

(H.P. 348) (L.D. 455)

Sponsored by Representative HOGAN of Old Orchard Beach.
Cosponsored by Senator THOMAS of Somerset and Representatives: BEAUDOIN of Biddeford, BURNS of Whiting, MAZUREK of Rockland.

Bill "An Act To Enable Maine Residents To Purchase Health Insurance over State Lines"

(H.P. 366) (L.D. 473)

Sponsored by Representative HARMON of Palermo.
Cosponsored by Representatives: ESPLING of New Gloucester, MALABY of Hancock, Senator McCORMICK of Kennebec and Representatives: CHASE of Wells, FOSTER of Augusta, GILLWAY of Searsport, GUERIN of Glenburn, JOHNSON of Greenville, KNIGHT of Livermore Falls, OLSEN of Phippsburg, WINTLE of Garland.

Bill "An Act To Amend the Laws Governing Financial Incentives and Geographic Accessibility of Services Covered by Health Insurance Providers"

(H.P. 389) (L.D. 496)

Sponsored by Representative MCKANE of Newcastle.
Cosponsored by Senator THOMAS of Somerset and Representatives: MALABY of Hancock, PICCHIOTTI of Fairfield, RICHARDSON of Warren, WEAVER of York, Senators: HASTINGS of Oxford, McCORMICK of Kennebec, SNOWE-MELLO of Androscoggin.

JUDICIARY

Bill "An Act To Allow a Valid Claim against a Dissolved Corporation"

(H.P. 341) (L.D. 448)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and Representatives: CROCKETT of Bethel, PRIEST of Brunswick, ROCHELO of Biddeford.

Bill "An Act To Amend the Laws Dealing with Limitation of Actions"

(H.P. 375) (L.D. 482)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Senator HILL of York and Representatives: BEAULIEU of Auburn, CRAY of Palmyra, DILL of Cape Elizabeth, GIFFORD of Lincoln, PRIEST of Brunswick, Senators: BLISS of Cumberland, HASTINGS of Oxford, MASON of Androscoggin.

Bill "An Act To Clarify the Uniform Arbitration Act"

(H.P. 379) (L.D. 486)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Senator BLISS of Cumberland and Representatives: BEAULIEU of Auburn, CRAY of Palmyra, GIFFORD of Lincoln, MOULTON of York, NASS of Acton, PRIEST of Brunswick, Senators: HASTINGS of Oxford, MASON of Androscoggin.

Bill "An Act To Allow a Person Charged with or Convicted of Violating a Protection from Abuse Order To Be Supervised by an Electronic Tracking System"

(H.P. 388) (L.D. 495)

Sponsored by Representative ROSEN of Bucksport.
Cosponsored by Senator ROSEN of Hancock and Representatives: CUSHING of Hampden, HASKELL of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, MAKER of Calais, STRANG BURGESS of Cumberland, VALENTINO of Saco, Senator: MASON of Androscoggin.

Committee on **JUDICIARY** suggested.

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

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Provide Seed Money for the Construction of Senior Housing in the Town of Newport"

(H.P. 331) (L.D. 438)

Sponsored by Representative FREDETTE of Newport.
Cosponsored by Representative: WINTLE of Garland.

Bill "An Act To Raise the Minimum Wage"

(H.P. 340) (L.D. 447)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator JACKSON of Aroostook and Representatives: CAIN of Orono, CLARK of Millinocket, DION of Portland, DRISCOLL of Westbrook, GILBERT of Jay, HERBIG of Belfast, HOGAN of Old Orchard Beach, HUNT of Buxton, MARTIN of Eagle Lake.

Bill "An Act To Facilitate the Establishment of a Business in Maine by Providing Assistance with Document Completion"

(H.P. 346) (L.D. 453)

Sponsored by Representative AYOTTE of Caswell.
Cosponsored by Senator SHERMAN of Aroostook and Representative: GIFFORD of Lincoln, Senators: President RAYE of Washington, THIBODEAU of Waldo.

Bill "An Act To Provide a Livable Wage for Maine Families"

(H.P. 350) (L.D. 457)

Sponsored by Representative CAREY of Lewiston.
Cosponsored by Representative BERRY of Bowdoinham, Senator ALFOND of Cumberland and Representatives: CAIN of Orono, DRISCOLL of Westbrook, HERBIG of Belfast, MARTIN of Eagle Lake, TUTTLE of Sanford, Senators: GERZOFISKY of Cumberland, HOBBS of York, JACKSON of Aroostook.

Bill "An Act To Provide Efficient Delivery of Economic Development Services"

(H.P. 358) (L.D. 465)

Sponsored by Representative BENNETT of Kennebunk.

Cosponsored by Senator COURTNEY of York, Senator COLLINS of York and Representatives: BEAVERS of South Berwick, MOULTON of York, O'CONNOR of Berwick, PARRY of Arundel, TUTTLE of Sanford.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Require Executive Orders To Be Published Online"

(H.P. 353) (L.D. 460)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Representatives: CAIN of Orono, HAYES of Buckfield.

Bill "An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids"

(H.P. 371) (L.D. 478)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Easton, EDGECOMB of Caribou, LONG of Sherman, MARTIN of Eagle Lake, McFADDEN of Dennysville, THERIAULT of Madawaska, WILLETTE of Mapleton.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 387) (L.D. 494)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Representative COTTA of China and Representatives: CHASE of Wells, FOSTER of Augusta, GRAHAM of North Yarmouth, HARMON of Palermo, HARVELL of Farmington, JOHNSON of Eddington, KNIGHT of Livermore Falls, MALONEY of Augusta.

TAXATION

Bill "An Act To Make Telecommunications Personal Property Tax Law Equitable"

(H.P. 334) (L.D. 441)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator WOODBURY of Cumberland and Representatives: BENNETT of Kennebunk, BERRY of Bowdoinham, BURNS of Alfred, FLEMINGS of Bar Harbor, HARMON of Palermo, KNIGHT of Livermore Falls.

Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement

(H.P. 344) (L.D. 451)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Representative FLEMINGS of Bar Harbor, Senator WOODBURY of Cumberland and Representatives: BERRY of Bowdoinham, CROCKETT of Bethel, PILON of Saco, Senator: BLISS of Cumberland.

Bill "An Act To Improve Municipal Reimbursement under the Maine Tree Growth Tax Law"

(H.P. 352) (L.D. 459)

Sponsored by Representative GIFFORD of Lincoln.

Cosponsored by Senator THOMAS of Somerset and Representatives: CRAY of Palmyra, DAVIS of Sangerville, EDGECOMB of Caribou, LIBBY of Waterboro, LONG of Sherman, McFADDEN of Dennysville, PARRY of Arundel, Senator: SHERMAN of Aroostook.

Bill "An Act To Amend the Laws Governing Excise Tax Credits"

(H.P. 355) (L.D. 462)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CAREY of Lewiston, CURTIS of Madison, DUCHESNE of Hudson, TUTTLE of Sanford, Senator: DIAMOND of Cumberland.

Bill "An Act To Increase the Collection of Sales and Use Tax"

(H.P. 362) (L.D. 469)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Representatives: BERRY of Bowdoinham, BRYANT of Windham, FLEMINGS of Bar Harbor, PILON of Saco, Senator: BLISS of Cumberland.

Bill "An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program" (EMERGENCY)

(H.P. 367) (L.D. 474)

Sponsored by Representative FLEMINGS of Bar Harbor.

Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, CAIN of Orono, DILL of Cape Elizabeth, HAYES of Buckfield, KNIGHT of Livermore Falls, MacDONALD of Boothbay, ROTUNDO of Lewiston, STUCKEY of Portland.

Bill "An Act To Create a Sales Tax Holiday for Energy-efficient Appliances and Fixtures"

(H.P. 369) (L.D. 476)

Sponsored by Representative EDGECOMB of Caribou.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: AYOTTE of Caswell, CLARK of Millinocket, CLARK of Easton, FITTS of Pittsfield, KNIGHT of Livermore Falls, NASS of Acton, RICHARDSON of Warren, WEAVER of York.

Bill "An Act To Exempt Active Duty Armed Services Income from the Income Tax"

(H.P. 382) (L.D. 489)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: CLARK of Easton, COTTA of China, ESPLING of New Gloucester, KNIGHT of Livermore Falls, MORISSETTE of Winslow, PARRY of Arundel, PLUMMER of Windham, SANDERSON of Chelsea.

Bill "An Act To Exempt the Value of Family Farms from the Estate Tax"

(H.P. 383) (L.D. 490)

Sponsored by Representative TIMBERLAKE of Turner.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, DAVIS of Sangerville, FREDETTE of Newport, GIFFORD of Lincoln, LIBBY of Waterboro, O'BRIEN of Lincolnville.

TRANSPORTATION

Bill "An Act To Permit Variation in Motor Vehicle Registration Expiration Dates"

(H.P. 347) (L.D. 454)

Sponsored by Representative MOULTON of York. (BY REQUEST)

Bill "An Act To Create a Temporary Disability Parking Permit"

(H.P. 349) (L.D. 456)

Sponsored by Representative LONGSTAFF of Waterville.

Cosponsored by Senator COLLINS of York and Representatives: CAREY of Lewiston, CEBRA of Naples, CRAFTS of Lisbon, DILL of Old Town, DION of Portland, EBERLE of South Portland, MAZUREK of Rockland, TUTTLE of Sanford.

Bill "An Act To Reduce Certain Highway Fund Obligations"

(H.P. 364) (L.D. 471)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator THOMAS of Somerset and Representatives: CURTIS of Madison, CUSHING of Hampden, GILLWAY of Searsport, PARRY of Arundel, RIOUX of Winterport, ROSEN of Bucksport, SARTY of Denmark, WILLETTE of Mapleton.

Bill "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles"

(H.P. 370) (L.D. 477)

Sponsored by Representative RUSSELL of Portland.

Resolve, Directing the Department of Transportation To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits

(H.P. 376) (L.D. 483)

Sponsored by Representative TIMBERLAKE of Turner.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, GIFFORD of Lincoln, STRANG BURGESS of Cumberland, WILLETTE of Mapleton.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Make the Cashier or Clerk Who Sells Alcoholic Beverages or Tobacco to an Underage Person Responsible for Paying the Fine"

(H.P. 374) (L.D. 481)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Arostook and Representatives: CLARK of Easton, CURTIS of Madison, DAVIS of Sangerville, EDGECOMB of Caribou, LONG of Sherman.

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. 11)

ORDERED, that Representative Ralph Chapman of Brooksville be excused February 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David D. Johnson of Eddington be excused February 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. W. Longstaff of Waterville be excused February 1 and 3 for personal 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 Tuesday, February 8, 2011, 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 Permit Tuition Subsidies by Municipalities"

(H.P. 203) (L.D. 250)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

- In House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** on February 1, 2011.

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - February 8, 2011 (Till Later Today) by Representative RICHARDSON of Carmel.

PENDING - FURTHER CONSIDERATION.

Subsequently, the House voted to **RECEDE AND CONCUR**.

SENATE PAPERS

The following Joint Order: (S.P. 116)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 15, 2011, at 10:00 in the morning.

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

READ and PASSED in concurrence.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Kevin L. Raye in the Chair.

The Convention was called to order by the Chair.

On motion of Senator PLOWMAN of Penobscot, it was **ORDERED** that a committee be appointed to wait upon First Lady Ann LePage and daughter Lauren LePage inviting them to attend this Joint Convention now assembled in the Hall of the House for the purpose of extending to Governor Paul R. LePage, an invitation to attend and make such communication as pleases him.

The **ORDER** was **READ** and **PASSED**.

The Chair appointed the following:

The Senator from Somerset, Senator Thomas

The Senator from York, Senator Collins

The Senator from York, Senator Sullivan

The Representative from China, Representative Cotta

The Representative from Farmington, Representative Harvell

The Representative from York, Representative Moulton

The Representative from Brewer, Representative Celli

The Representative from Searsport, Representative Gillway

The Representative from Sanford, Representative Boland

The Representative from South Portland, Representative Kaenrath

The Representative from Auburn, Representative Bolduc

The Representative from Biddeford, Representative Casavant

The Representative from North Yarmouth, Representative Graham

Subsequently, Senator THOMAS of Somerset, for the Committee, reported that the Committee had delivered the message with which it was charged and that the First Lady and daughter Lauren would attend forthwith.

The Chair welcomed in the House Gallery the First Lady of the State of Maine and daughter Lauren.

On motion of Senator COURTNEY of York, it was **ORDERED** that a committee be appointed to wait upon the Honorable Paul R. LePage, Governor of the State of Maine, and extend to him an invitation to attend this Convention and make such communication as pleases him.

The **ORDER** was **READ** and **PASSED**.

The Chair appointed the following:

The Senator from Hancock, Senator Rosen
The Senator from Kennebec, Senator Katz
The Senator from York, Senator Hill
The Representative from Winthrop, Representative Flood
The Representative from Norway, Representative Winsor
The Representative from Wells, Representative Chase
The Representative from Easton, Representative Clark
The Representative from Newport, Representative Fredette
The Representative from Belgrade, Representative Keschl
The Representative from Lewiston, Representative Rotundo
The Representative from Eagle Lake, Representative Martin
The Representative from Freeport, Representative Webster
The Representative from Bangor, Representative Stevens

Subsequently, Senator ROSEN of Hancock, for the Committee, reported that the Committee had delivered the message with which it was charged and that the Honorable Paul R. LePage, Governor of the State of Maine, would attend forthwith.

The Chair recognized in the House Gallery the Constitutional Officers of the State of Maine: Attorney General William Schneider, State Treasurer Bruce Poliquin, and State Auditor Neria Douglass. The Chair also recognized in the House Gallery State Court Administrator James T. Glessner.

The Chair welcomed the Honorable Paul R. LePage, Governor of the State of Maine, accompanied by the Honorable Leigh I. Sauffley, Chief Justice of the Maine Supreme Judicial Court.

The Chair recognized the Herald, Captain Christopher Elgee, Plans Officer, 133rd Engineer Battalion.

The Chair welcomed the Honorable Paul R. LePage, Governor of the State of Maine, to the rostrum.

Governor LePage then addressed the Convention.

Governor **LePAGE**: Good morning. Chief Justice, President Raye, Speaker Nutting, members of the 125th Legislature, and citizens of Maine, thank you for the invitation to discuss our budget proposal for the upcoming Biennium.

It takes a great deal of time to prepare a budget – especially when you are new in town. I would like to begin to thank Sawin Millett and Tarren Bragdon because, without them, it would have been impossible. And further, Ryan Low, who gracefully stepped up when Sawin had to leave for medical reasons. Ryan did just a wonderful job for us and his service in the last few weeks really shows what public service is truly about. And I want to thank him from the bottom of my heart. He was just absolutely wonderful.

I also want to compliment the 125th Legislature for the professional and bipartisan effort that went on in enacting the Supplemental Budget. Representative Flood, Senator Rosen and the entire Appropriations Committee have my many thanks for the hard work that was done during that session. I also want to thank Speaker Nutting, President Raye, Representative Cain and Senator Hobbins for their leadership in bringing this together in such a short period of time. And frankly, I hope we have the same result after this budget.

Our 2012 / 2013 biennial budget is better called a jobs bill. It sets the state on a path of keeping more money in the private sector and ends the expectation that every available dollar has to be devoted to funding state, county and community governments.

Our budget includes long term reforms that will make our state pension fund, our workforce more affordable. It increases aid to education and allows for transportation investments without adding further debt. And this budget encourages hard work and independence through needed welfare reforms, tax cuts for small businesses and working families.

Our budget was written without consideration for political interests or newspaper articles or special favors. It was made through tough choices, and, as I campaigned for 16 months, it puts Maine people ahead of politics. But it could have been far more comprehensive if we had the time to conduct the oversight needed to make informed decisions for the next biennial.

Our budget is made available today after 37 days into my term. Given the logistics of drafting, printing, all the major decisions that needed to be made in the last 30 days, and many of them were made without our commissioners being confirmed. It was one that we are proud of, but I need to tell you that we start working on it tomorrow, because it is going to take all year long to get ourselves prepared, to tell you what really needs to happen in the State of Maine.

There are fifty members of the House and five Senators with no prior Legislative experience. Collectively you represent over one third of the State of Maine and you have been in session, I believe this is your 14th session day during your term. So we all need to be doing a lot of hard work in the next few months.

Every committee chair, member of leadership and presiding officers are all new at their post.

We should all be spending the first year of a budget in having oversight and in the decision making process. Every agency, program and service ought to be looked at, and they ought to be prioritized. We need to find justification and objectives for the moneys we spend. And before a budget is drafted, suggestions for improvement should be considered and debated.

Because baseline budgeting and its assumed increases is currently the norm, every biennial budget since 1992, with the exception of one, started with a deficit.

There is no business, municipality, hospital or nonprofit that would willingly flirt with insolvency every time they sit down to create a budget. But we in the State of Maine have been doing it for decades. We need to change this process.

And I see Representative Ayotte here, who is sponsoring legislation, An Act to Establish a New Method of Determining the State Budget, starting with this fiscal biennium in the second regular session of the Legislature. The bill is cosponsored by President Raye, Representatives Cain and Curtis and Senators Rosen and Sherman.

Representative Ayotte's proposal will give us all the necessary and needed time to conduct proper oversight, to work with the agencies to establish priorities. I am a strong supporter of this bill. I urge you to support this bill. And quite frankly, if we could have a show of hands, I would sign it today. If we are going to truly fix the State of Maine for the long-term, we need to do it right, and we absolutely need to sit down and review and provide the oversight to the agencies and get feedback from the agencies before we go spend the billions of dollars that we take from the taxpayers of the State of Maine.

On the public debt side, it is not a pretty picture. State government has been paying many of today's bills with tomorrow's money. Our indebtedness creates job-killing demands on the private sector and it absolutely needs to be reformed.

One of the most pressing concerns is a \$4.4 billion unfunded liability in our state pension system. We have put a deadline of 2028, but now there is talk we are not going to be able to meet it, let's extend that. Well folks, we have been losing our kids and

we have been losing our wealth and we need to start fixing it today. Without reform, the payment of our pension liability this year, in the first year of this biennium, is \$449 million. That is 15% of the projected General Fund Revenue. Within ten years the total annual cost to taxpayers for the pension is going to be \$700 million a year. We need to make some reforms. It cannot be sustained and if we were a private sector company, we would be in Chapter 11. We are in worse shape than General Motors was when they went into Chapter 11.

If you do not think the pension liabilities are a problem, check with your constituents. Tell each 653,000 tax filers in your district that their share of unfunded pension liability alone, if we pay it today, is \$6,500. Let them know that if they want to finance this obligation over time they need \$15,313 over the next 16 years.

Public sector employees have served our state and our communities and we have made them promises. They have planned on a public pension to sustain their retirement and we cannot abandon that. And if we do not address the problem now, we are in fact abandoning the state employees. We need to fix this issue. But changes that are needed so we can finance today's priorities without robbing the private sector of billions of dollars of potential jobs and creating investment is going to be painful.

Our budget calls for reasonable changes to the retirement system that will save \$524 million over the current biennium, with most of the savings accruing to the General Fund. This budget asks retirees to forgo cost of living increases in the short term and to accept modest increases in the long term. The budget also asks retirees for the same shared sacrifice we are asking our state employees and we are proposing to increase the retirement age to 65 for all new and recent hires to the state government.

The two year savings of over half-a-billion dollars realized by modest changes is critical to funding today's priorities and sustaining the pension fund going forward.

Over the longer term, these changes will reduce our unfunded pension liabilities by \$2.5 billion and reduce our retiree health liability by an additional \$1 billion.

Our changes keep almost \$7 billion in Maine's private sector economy through the year 2028. All things being equal, the pension reforms in this budget will save each tax filer in the State of Maine \$10,700 over the next 16 years.

I told the Chief Justice there was going to be some heartache with the Judicial Branch as well, and here it comes. No new bonds, borrowing or deferred payments of any kind over the next two years. Folks, I will tell you when I ran for Governor, I knew we had a fiscal crisis, but it is considerably worse than what I thought it was.

Much of the additional savings in resources we identify over the biennium will go to paying the remaining balances that we still owe the hospitals.

We plan to use savings out of the Department of Transportation and General Fund rather than bonds to make infrastructure investments. And we have no plans to borrow in order to finance land acquisitions, facility improvements or anything else in the next two years. If the question is cash or credit, the answer is always going to be the same.

Our total public debt, as I stand here today, is \$12.9 billion – of that \$500 million has gone out to the voters' approval as required by the Constitution.

We owe twice as much in debt as we expect to collect in the next biennium. Over the next two years, the State of Maine debt as a percentage of the state GDP is twice the national average. Twice. There are several states that I was reading this week that are teetering on default with municipal bonds. They are Texas,

New Jersey and New York. And folks, we're only a few numbers behind them. Because whether or not the state defaults, we have a couple of communities that are ready to default. So folks, it is a lot more serious than anybody is willing to give it credit. That is the bad news. The good news is we have the will, the power and the desire to work with the Legislature to solve this problem. It is going to require discipline, it is going to require the desire to balance our balance sheet, and it is going to be a desire to work with all our communities and our counties and the people of Maine in sharing this tough road that we're going to be facing in the next couple of years. It is going to be painful, but we need to do it if we are ever going to get our house in order.

Eight years ago, in 2003, I ran for Mayor of the City of Waterville, and in the first two years I was the most disliked person in that city because we did do many, many difficult things to change our economy. It wasn't always popular, but today that city's financial house is in order and I believe we can do the same exact thing in the State of Maine.

I campaigned very strongly on education and reforms in the pension liabilities side will make it possible to increase aid to local education by \$63 million over the biennium. In 2013 we will be contributing \$914 million to General Purpose Aid for Education.

And it will not be enough. Education funding is never enough because too many of our resources are diverted from the classroom and go into the administration, other parts of education and special interests. And folks, we need to hold the line in the next two years.

Our budget does not propose cuts to higher education. Our community colleges and our universities have to remain affordable options for our high school graduates. Our adults who want to retrain to get new skills for the new jobs of the future have to have the community colleges available to them. But let me tell you a reality. It was very, very sad to hear this. The president of the Community College System, and I met him a few weeks ago, he told me 47% of the kids who graduate from high school in our State of Maine and go on to Community College System need remedial work before they can start college courses. And then last week he said, I spoke out of turn, it is actually 54%. Chilling. So I called the chancellor at the University and said what's it like at the university level? Well, we get the cream of the crop, it's only 25%. Of the kids that we graduate, K through 12 need remedial work before they can start their college degree. That is why I believe and while it is not in the budget, we are going to work for a five-year high school, we are going to raise the standards of education, and we are going to become a top educator in this country.

Because of the situation we are in, we are going to find new ways to pay for education. While we did not include in this budget, I am already starting to work and having discussions about creating Maine Higher Education Savings Bonds. I think those of us who have raised families and those taxpayers who are currently raising families can have a program where they can start saving, and we are helping them to get their schools funded properly in the future. And I believe very strongly that we can do that. Many of the private schools are doing similar things. It is time we do it as a state and we take care of our own.

There is a new budget initiative which is a collaboration between the Kennebec Valley Community College and Good Will-Hinckley to expand opportunities for kids who need a stable, alternative learning environment. The program will provide career training and prepare students for Maine's workforce of the future. I am a firm believer and have campaigned very strongly that not every student is destined to graduate from college. But that doesn't mean that every student doesn't have the ability to learn the skill sets that can provide them a better paycheck.

Not every child has the same needs and goals. Not every student will be served well by traditional education. Our resources need to follow the student to make sure his or her unique talents are optimized.

On the tax front, and believe me, if we intend to make Maine prosperous, this isn't a discussion that goes on the different sides of the aisle. We need to address these issues if we are going to bring prosperity to Maine. If we are going to interest the job creators to create good jobs, the cost of citizenship and business ownership in Maine is way too high. A most recent report said we were dead last in business environment. We tax income, property, gas, sales, and pretty much everything that is traceable in our economy.

As Ronald Reagan once said, and I think the world of him, for those that have been in my office you know why, "If it moves, we tax it. If it keeps moving, regulate it. And, if it stops moving, subsidize it." Folks, we need to stop this. It is not going to make us any better. We cannot mortgage our children today and expect to have prosperity tomorrow. The hard work starts now.

We assess fees on almost every interaction residents have with their government and create disincentives for success and for marriage. Every so often a rumor hits the Internet that government will start taxing the Internet. And you know Maine people fear it. We fear government.

This budget proposes tax cuts. \$203 million over the biennium. They come in the form of conformity provisions to align Maine's income tax code to federal tax code provisions, saving taxpayers money and aggravation.

Our budget eliminates the marriage penalty and increases personal exemptions for all Mainers. Coupled with a higher standard deduction, our changes completely eliminate state tax liability for an additional 15,000 Mainers at the lowest income levels.

And to help the job creators, we include bonus depreciation for businesses investing in Maine's future economy.

We increase the exemption for the death tax to make it easier to pass family businesses on to the next generation and to reduce the incentive for the wealthy to move out of state.

And an item that I am equally as proud of as I am with education is we lower the top tax rate on families and businesses from 8.5% to 7.95%. This will be the lowest rate since 1975.

And we need to be clear. Maine's top rate is not just for the rich. For the year 2011, it will take just \$19,950 for a single filer to hit the maximum 8.5% rate. \$39,950 for a family to hit the top rate. I had former Governor Ridge in my office yesterday and we were talking about Homeland Security and some of the things that are going on in Washington, and I happened to mention that and he couldn't believe it. He thought he misheard that it was \$39,000 for a single person. I said, no, that's for the family, and he just could not believe that we were taxing at the highest level the poorest people in the State of Maine. This will affect 240,000 families, will lower the tax burden on 240,000 families.

Our budget also ends indexing on the gas tax in the second year of the biennium, a levy that especially hits hard on working Maine families in the rural areas and gets passed on to virtually every Maine business.

Then we went on to welfare reform. And folks, we have already done a lot of reform because 240,000 families are going to keep more money in their pocket. So that means that's less money we have to first collect and then hand out. I think that's important because we create independence, we create self-reliance and we're going to be going back to a work environment rather than a dependency environment. And I can tell you this: I've been there and I've done that.

Maine was built by immigrants, by energy, aspirations of the immigrants. Our immigrant ancestors powered our mills, carved out our farmland and built our shipyards. Maine always will be a welcoming place for those who seek opportunity to advance through work and self-reliance.

Despite our heritage, Maine is one of just a few places in this country that offers "welfare-on-day-one," for legal non-citizens. Our budget saves \$20 million by eliminating instant eligibility for welfare benefits and sends the message that work and independence are what we expect and what we want in the State of Maine.

Now another thing that is not in our budget, but I want to make it very clear to all of the people here, and Maine people, that people with mental illness, people with disabilities, our veterans and our elderly, I will protect with every ounce of my body.

Our budget includes a true five-year term limit on welfare eligibility and incentives to help people from dependency to self-sustaining employment. Based on the ability to pay, we are asking MaineCare recipients to contribute towards the cost of health care.

Unfortunately, we are limited in the reforms we can offer in MaineCare because of the Affordable Care Act passed by Washington. Maine's generosity over the last decade, our generosity and going up and beyond the call of duty, or the call of most states, is now being penalized by the federal government for having done so. Pretty quiet, you can hear a pin drop. Folks, we are being penalized by the federal government because we were more generous in the last decade. How sad is that?

There are plenty of additional things we can do to help everyone in MaineCare but federal mandates force us to look elsewhere. And I see a former councilor in Waterville with a big smile and I say, yes, Henry, we are being punished, and I am sorry to say that.

Our welfare reform also includes mandatory drug testing of program participants who have been convicted of drug offenses. If we are really serious about helping people to become independent, then we must address the barriers that are preventing us from getting there. We must stop spinning our wheels and squandering state resources and do what is right for Maine people.

Our state workforce is very valuable. Some say state government is too big to fail – we've heard that before – but does not deliver the value promised to the taxpayers. And folks, big changes are needed, but we are going to do it smart.

My budget does not call for mass layoffs, no furlough days, no across the board cuts and no gimmicks.

As I said earlier, there will be continued shared sacrifices for members of the state workforce. But people who work for Maine can expect to earn more next year than they do this year.

We start the process of making state government more affordable by maintaining a real hiring freeze. Truly essential positions will be filled, but I will be asking every agency to look for efficiencies before we build the workforce.

Our budget also includes a retirement incentive for state workers. Age-eligible employees who leave the work force before the end of this calendar year will receive a small cash stipend and enter the retirement system before our cost saving adjustments are made to the retirement program.

Now this is an important aspect because many people who are reaching retirement age have planned on their retirement, as I said earlier. We are making an effort to let them retire with the full benefits before we make the adjustments. And we're trying to make the adjustment at the lowest possible levels.

Having said that, my message to state employees is clear. If you start each work day thinking about serving the public, there is a place for you in state government and age is not a requirement. If you come to work to fill in time until you are age-eligible for retirement, we will give you incentives.

We have all offered a very, very difficult budget. It is free of gimmicks and certainly of politics. We have made hard choices that put Maine people first, values work, values investment, and makes needed reforms so that we can sustain our pension going forward and our welfare system going forward.

I look forward for a tough debate. I look forward to reviewing our proposals with you. I invite all committees to contact our office and let's set up a date so we can sit down and get into the nitty-gritty. But I will tell you I am determined to protect, as I said earlier, our elderly, our veterans, disabled people, and particularly those with mental illness. We are going to take care of them while moving the state forward, and those who can work, we will simply ask them to get a job. Thank you.

At the conclusion of the address, Governor Paul R. LePage withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its chamber.

(After the Joint Convention)

The House was called to order by the Speaker.

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

Representative CAREY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The American story is one of rebirth, renewal and responsibility. It is appropriate today to recognize America's newest citizen. On your desks this morning there is a copy of yesterday's front page Lewiston *Sun Journal* story. This morning Abdikadir Negeye swears his allegiance to America at a citizenship oath ceremony in southern Maine. It actually, by this point, has probably happened.

Mr. Negeye was born in Somalia and spent 14 years in a Kenyan refugee camp where he described life: "There's no work. If you get breakfast, you have to wait another day for a meal — no lunch, no dinner." Instead he spent his time learning English. Mr. Negeye spent his time and turned those lessons into a job for himself and to service to our community in Maine. He worked as an interpreter at the Geiger School in Lewiston, helping children realize the renewal that education provides. After leaving work, Mr. Negeye goes to work at his family's corner store. He also coaches a youth sports team.

Education is one of the reasons Mr. Negeye moved to Maine in 2005, our low crime rate was the other. He received his high school education in northern Maine and is currently enrolled at Central Maine Community College, from where he will graduate in May. Like my own father, he is the first in his family to go to

college. After graduation in May, he will bring his credits to L-A College at USM and hopes one day to be a professor.

Today Mr. Negeye takes the oath of citizenship and, like us, welcomes the responsibility that that entails. He is proud to exercise the responsibilities of citizenship, looking forward to voting and serving on a jury. This is what he says and you'll find it in the newspaper article. "I will take responsibility, follow the Constitution." "Freedom of speech, freedom of religion, this is really a good land to live, a good country." "This is my home now. I'm not going anywhere."

As we exercise our constitutional responsibilities to develop the balanced budget in concert with the Chief Executive, we have the opportunity to encourage the American values of renewal, rebirth, and responsibility. Please join me today in honoring Mr. Negeye and others who choose the responsibility demanded by our citizenship in this country. Thank you.

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine"

(S.P. 121) (L.D. 417)

Bill "An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island"

(S.P. 124) (L.D. 420)

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 To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County"

(S.P. 126) (L.D. 422)

Came from the Senate, REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Resolve, To Name the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

(S.P. 134) (L.D. 430)

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.

Bill "An Act To Stimulate Demand for Renewable Resources"

(S.P. 129) (L.D. 425)

Bill "An Act To Clarify the Role of the Public Advocate"

(S.P. 133) (L.D. 429)

Bill "An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds"

(S.P. 135) (L.D. 431)

Came from the Senate, REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws"

(S.P. 138) (L.D. 434)

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 Revise the Laws Governing the Licensure of Public Water System Operators"

(S.P. 128) (L.D. 424)

Bill "An Act To Fund Special Education Advocacy"

(S.P. 132) (L.D. 428)

Bill "An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council"

(S.P. 139) (L.D. 435)

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.

Bill "An Act To Clarify Standards by Which Recreational Vehicles May Be Stopped"

(S.P. 117) (L.D. 413)

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 To Ensure the Payment of Survivor Benefits to Certain Children"

(S.P. 123) (L.D. 419)

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

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

Bill "An Act To Extend the Same Privileges to the Wesget Sipi - Fish River Tribe as Are Extended to Other Maine Indian Tribes"

(S.P. 131) (L.D. 427)

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

Representative MITCHELL of the Penobscot Nation moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

On motion of Representative CURTIS of Madison **TABLED** pending the motion of Representative MITCHELL of the Penobscot Nation to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

Bill "An Act To Create a Saltwater Fishing License for Owners of Docks, Piers and Wharves" (EMERGENCY)

(S.P. 122) (L.D. 418)

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 To Provide a Sales Tax Trade-in Credit for Core Parts"

(S.P. 119) (L.D. 415)

Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program"

(S.P. 125) (L.D. 421)

Bill "An Act To Eliminate Maine's Estate Tax"

(S.P. 127) (L.D. 423)

Bill "An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of a Motor Vehicle"

(S.P. 140) (L.D. 436)

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

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

Bill "An Act To Allow Landowners Road Access"

(S.P. 118) (L.D. 414)

Bill "An Act To Amend the Laws Governing the TransCap Trust Fund"

(S.P. 130) (L.D. 426)

Bill "An Act To Reduce Motor Vehicle Inspection Costs"

(S.P. 141) (L.D. 437)

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 Amend the Taste Testing of Wine Law"

(S.P. 120) (L.D. 416)

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.

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

On motion of Representative NEWENDYKE of Litchfield, the House adjourned at 12:23 p.m., until 10:00 a.m., Tuesday, February 15, 2011 pursuant to the Joint Order (S.P. 116).