

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
15th Legislative Day
Tuesday, February 15, 2011

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

Prayer by Pastor Mark E. Stanford, Gardiner Church of the Nazarene.

National Anthem by Stephen S. Lowe, Pittsfield.

Pledge of Allegiance.

Doctor of the day, Peter Leighton, M.D., Turner.

The Journal of Thursday, February 10, 2011 was read and approved.

SENATE PAPERS

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

(S.P. 104) (L.D. 342)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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.

Bill "An Act Regarding Timber Harvesting on State Land"

(S.P. 102) (L.D. 340)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Provide for the Appointment of Division Directors in the Department of Environmental Protection"

(S.P. 73) (L.D. 222)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

Bill "An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement"

(S.P. 137) (L.D. 433)

Committee on **STATE AND LOCAL GOVERNMENT** 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.

Bill "An Act To Authorize a GARVEE Bond for the Interstate 95 Bridge at the Maine-New Hampshire State Line"

(S.P. 136) (L.D. 432)

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

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

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

COMMUNICATIONS

The Following Communication: (H.C. 64)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 10, 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 reappoint Representative Wesley E. Richardson of Warren 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. 67)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 15, 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 House Rule 201.1 (H), I appoint Representative Stacey Allen Fitts of Pittsfield to serve as Speaker Pro Tem to convene the House on Thursday, February 17, 2011.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 65)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 14, 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 Inland Fisheries and Wildlife has approved the request by the sponsor, Representative Harvell of Farmington, to report the following "Leave to Withdraw":

L.D. 107 An Act To Allow Trapping in Northern Maine without the Written Consent of the Landowner

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

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

The Following Communication: (H.C. 66)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333

February 14, 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 Committee has voted unanimously to report the following bill out "Ought Not to Pass":

Labor, Commerce, Research and Economic Development
L.D. 30 An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts

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: (S.C. 78)
MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY

February 10, 2011
Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

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 Transportation, the nomination of David B. Bernhardt of Vassalboro for appointment as the Commissioner of the Department of Transportation.

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

READ and **ORDERED PLACED ON FILE.**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Provide Regular Funding for the Land for Maine's Future Fund"

(H.P. 431) (L.D. 548)

Sponsored by Representative MOULTON of York.

Bill "An Act To Prohibit the Use of Pesticides in Certain Circumstances"

(H.P. 449) (L.D. 591)

Sponsored by Representative McFADDEN of Dennysville. (BY REQUEST)

Cosponsored by Senator ALFOND of Cumberland and Representative: BOLDUC of Auburn.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System"

(H.P. 425) (L.D. 542)

Sponsored by Representative HAMPER of Oxford.

Cosponsored by Senator HASTINGS of Oxford and Representatives: BICKFORD of Auburn, CEBRA of Naples, DRISCOLL of Westbrook, FITTS of Pittsfield, PRESCOTT of Topsham, WINSOR of Norway.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors"

(H.P. 401) (L.D. 508)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Modify the Regulation of Fireworks"

(H.P. 406) (L.D. 523)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representatives: GIFFORD of Lincoln, GUERIN of Glenburn, MORISSETTE of Winslow, PLUMMER of Windham, SARTY of Denmark, TIMBERLAKE of Turner, WOOD of Sabattus, Senator: HASTINGS of Oxford.

Bill "An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor"

(H.P. 408) (L.D. 525)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: BLACK of Wilton, CRAFTS of Lisbon, GRAHAM of North Yarmouth, HARMON of Palermo, LUCHINI of Ellsworth, MALONEY of Augusta, TIMBERLAKE of Turner, WINTLE of Garland.

Bill "An Act Regarding Forensic Examination Kits"

(H.P. 450) (L.D. 592)

Sponsored by Representative PLUMMER of Windham.

Cosponsored by Senator MASON of Androscoggin.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Extend the Length of the School Day"
(H.P. 391) (L.D. 498)

Sponsored by Representative DOW of Waldoboro.

Bill "An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards"

(H.P. 398) (L.D. 505)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator LANGLEY of Hancock and Representatives: EDGECOMB of Caribou, RANKIN of Hiram, Senators: MASON of Androscoggin, SULLIVAN of York.

Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Prevent the Disclosure of Student Social Security Numbers"

(H.P. 399) (L.D. 506)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Representatives: KNAPP of Gorham, MARTIN of Eagle Lake, O'CONNOR of Berwick, Senator GOODALL of Sagadahoc, Senator COURTNEY of York and Representatives: CROCKETT of Bethel, DAVIS of Sangerville, GOODE of Bangor, HARVELL of Farmington, McFADDEN of Dennysville, NELSON of Falmouth.

Bill "An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects"

(H.P. 413) (L.D. 530)

Sponsored by Representative EBERLE of South Portland.

Cosponsored by Senator BLISS of Cumberland and Representatives: KAENRATH of South Portland, MORRISON of South Portland, Senators: BARTLETT of Cumberland, LANGLEY of Hancock, RECTOR of Knox.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development" (EMERGENCY)

(H.P. 395) (L.D. 502)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Representative RICHARDSON of Warren and Representatives: BLACK of Wilton, CRAY of Palmyra, DAVIS of Sangerville, HARMON of Palermo, McCLELLAN of Raymond, O'CONNOR of Berwick, SIROCKI of Scarborough, WINTLE of Garland.

Bill "An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities"

(H.P. 412) (L.D. 529)

Sponsored by Representative CORNELL du HOUX of Brunswick.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BEAVERS of South Berwick, CRAY of Palmyra, DION of Portland, DUNPHY of Embden, FITTS of Pittsfield, HINCK of Portland, LUCHINI of Ellsworth, Senator: RECTOR of Knox.

Bill "An Act To Reduce Maine's Dependence on Oil"

(H.P. 436) (L.D. 553)

Sponsored by Representative FITTS of Pittsfield.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: CORNELL du HOUX of Brunswick, HINCK of Portland, KNAPP of Gorham, McCLELLAN of Raymond, Senators: GOODALL of Sagadahoc, KATZ of Kennebec, RECTOR of Knox.

Bill "An Act To Amend the Telecommunications Education Access Fund"

(H.P. 437) (L.D. 554)

Sponsored by Representative CUSHING of Hampden.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: CAIN of Orono, FITTS of Pittsfield, RICHARDSON of Carmel, ROSEN of Bucksport, VALENTINO of Saco.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Charge a Fee for Garbage Disposal To Encourage Recycling"

(H.P. 407) (L.D. 524)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone"

(H.P. 435) (L.D. 552)

Sponsored by Representative HARVELL of Farmington. (BY REQUEST)

Cosponsored by Representatives: CUSHING of Hampden, ESPLING of New Gloucester.

Bill "An Act To Eliminate Duplication of Paint Disclosure and Radon Requirements"

(H.P. 427) (L.D. 544)

Sponsored by Representative CUSHING of Hampden.

Cosponsored by Senator COURTNEY of York and Representatives: CURTIS of Madison, DAMON of Bangor, PILON of Saco, RICHARDSON of Warren, TUTTLE of Sanford, WILLETTE of Presque Isle, Senator: PLOWMAN of Penobscot.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested.

On motion of Representative LONG of Sherman, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

HEALTH AND HUMAN SERVICES

Bill "An Act To Protect Persons in Residential Care Who Are under Limited Guardianship"

(H.P. 392) (L.D. 499)

Sponsored by Representative CURTIS of Madison.

Cosponsored by Senator WHITTEMORE of Somerset and Representatives: CRAY of Palmyra, CUSHING of Hampden, FITTS of Pittsfield, PARRY of Arundel.

Bill "An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services"

(H.P. 414) (L.D. 531)

Sponsored by Representative SANBORN of Gorham.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BRYANT of Windham, GOODE of Bangor, HOGAN of Old Orchard Beach, NELSON of Falmouth.

Bill "An Act To Build Accountability into the General Assistance Laws"

(H.P. 422) (L.D. 539)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator HASTINGS of Oxford and Representatives: CASAVANT of Biddeford, GRAHAM of North Yarmouth, HARMON of Palermo, KESCHL of Belgrade, MAKER of Calais, MALABY of Hancock, VALENTINO of Saco, Senator: COLLINS of York.

Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Public Health Nuisance Laws (EMERGENCY)

(H.P. 430) (L.D. 547)

Sponsored by Representative BERRY of Bowdoinham.
Cosponsored by Representatives: BICKFORD of Auburn, EVES of North Berwick, KESCHL of Belgrade, McCABE of Skowhegan, ROSEN of Bucksport, STRANG BURGESS of Cumberland, Senator: COLLINS of York.

Bill "An Act To Include the Record of Emergency Data Form as an Acceptable Instrument for the Disposition of Remains of a Service Member" (EMERGENCY)

(H.P. 444) (L.D. 586)

Sponsored by Representative FOSSEL of Alna.

Bill "An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco Products"

(H.P. 447) (L.D. 589)

Sponsored by Representative FOSSEL of Alna.
Cosponsored by Representatives: GRAHAM of North Yarmouth, MALABY of Hancock, PRESCOTT of Topsham, WEBSTER of Freeport.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Provide Free Hunting, Fishing and Trapping Licenses To Wartime Veterans Who Are at Least 80 Years of Age"

(H.P. 405) (L.D. 522)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Senator THIBODEAU of Waldo and Representatives: BLACK of Wilton, CELLI of Brewer, CRAFTS of Lisbon, CROCKETT of Bethel, FREDETTE of Newport, TIMBERLAKE of Turner, WILLETTE of Presque Isle, Senator: MASON of Androscoggin.

Bill "An Act Concerning Fish and Wildlife Program Funds"

(H.P. 439) (L.D. 556)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Representatives: CLARK of Millinocket, DUCHESNE of Hudson, FOSSEL of Alna, FREDETTE of Newport, HARVELL of Farmington, SARTY of Denmark, SHAW of Standish, WINTLE of Garland.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Bill "An Act To Protect Owners of Private Property against Trespass"

(H.P. 442) (L.D. 559)

Sponsored by Representative O'BRIEN of Lincolnville.
Cosponsored by Representatives: BERRY of Bowdoinham, BLODGETT of Augusta, DILL of Old Town, KUMIEGA of Deer Isle, STEVENS of Bangor, STUCKEY of Portland, WEBSTER of Freeport, WELSH of Rockport.

INSURANCE AND FINANCIAL SERVICES

Resolve, Directing the Bureau of Insurance To Study Legislators' Health Insurance Benefits Compared to the Health Insurance Benefits of Other Part-time and Seasonal Workers in the State

(H.P. 402) (L.D. 519)

Sponsored by Representative GOODE of Bangor.
Cosponsored by Representative: MORRISON of South Portland.

Bill "An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development"

(H.P. 423) (L.D. 540)

Sponsored by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BELIVEAU of Kittery, EVES of North Berwick, FOSSEL of Alna, GOODE of Bangor, MORRISON of South Portland, RICHARDSON of Warren, Senators: ALFOND of Cumberland, CRAVEN of Androscoggin.

JUDICIARY

Bill "An Act To Protect Persons Who Have Buildings on Leased Land"

(H.P. 409) (L.D. 526)

Sponsored by Representative CLARK of Millinocket.

Bill "An Act To Allow a Member, Manager or Authorized Employee of a Limited Liability Company To Appear for That Company in an Action for Eviction"

(H.P. 434) (L.D. 551)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Representative WATERHOUSE of Bridgton.

Bill "An Act To Amend the Child Custody Laws"

(H.P. 443) (L.D. 585)

Sponsored by Representative FOSSEL of Alna.

Cosponsored by Representatives: DOW of Waldoboro, GRAHAM of North Yarmouth, MALABY of Hancock, PRESCOTT of Topsham.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Clarify Successor Liability under the Employment Security Law"

(H.P. 417) (L.D. 534)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: DOW of Waldoboro, HAMPER of Oxford, MALABY of Hancock, NEWENDYKE of Litchfield, TUTTLE of Sanford, VOLK of Scarborough, WINSOR of Norway, WINTLE of Garland.

Bill "An Act To Expand Recertification Options for Certified Nursing Assistants"

(H.P. 420) (L.D. 537)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by Senator JACKSON of Aroostook and Representatives: DOW of Waldoboro, DRISCOLL of Westbrook, EVES of North Berwick, GRAHAM of North Yarmouth, HERBIG of Belfast, HUNT of Buxton, PRESCOTT of Topsham, VOLK of Scarborough.

Bill "An Act To Utilize a Dental Complaint Review Panel"

(H.P. 438) (L.D. 555)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator MARTIN of Kennebec and Representatives: DOW of Waldoboro, HAMPER of Oxford, HUNT of Buxton, NEWENDYKE of Litchfield, TUTTLE of Sanford, WINTLE of Garland, Senators: RECTOR of Knox, SNOWE-MELLO of Androscoggin.

MARINE RESOURCES

Bill "An Act To Assist the Commercial Fishing Safety Council"

(H.P. 421) (L.D. 538)

Sponsored by Representative WALSH INNES of Yarmouth.

Cosponsored by Senator WOODBURY of Cumberland and Representative: MacDONALD of Boothbay.

Bill "An Act To Provide Equal Treatment to Members of the Penobscot Nation with Regard to Marine Resources Licenses" (EMERGENCY)

(H.P. 441) (L.D. 558)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BEAVERS of South Berwick, CLARK of Millinocket, JOHNSON of Greenville, PICCHIOTTI of Fairfield, SOCTOMAH of the Passamaquoddy Tribe, TUTTLE of Sanford, WEAVER of York, WOOD of Sabattus.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Amend the Powers and Duties of Municipal Treasurers"

(H.P. 390) (L.D. 497)

Sponsored by Representative GIFFORD of Lincoln.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: AYOTTE of Caswell, CLARK of Easton, EDGECOMB of Caribou, FOSTER of Augusta, LIBBY of Waterboro, LONG of Sherman, McFADDEN of Dennysville, PARRY of Arundel.

Bill "An Act To Clarify the Boundary between the Town of Cushing and the Town of Friendship"

(H.P. 424) (L.D. 541)

Sponsored by Representative RICHARDSON of Warren.

Cosponsored by Senator TRAHAN of Lincoln and Senator: RECTOR of Knox.

Bill "An Act To Protect Legislative Intent in Rulemaking"

(H.P. 426) (L.D. 543)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: BEAUDOIN of Biddeford, BEAULIEU of Auburn, BICKFORD of Auburn, BRIGGS of Mexico, BURNS of Whiting, CAREY of Lewiston, CEBRA of Naples, CHASE of Wells, CLARK of Easton, CLARKE of Bath, COTTA of China, DAMON of Bangor, DILL of Cape Elizabeth, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FLEMINGS of Bar Harbor, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GUERIN of Glenburn, HAMPER of Oxford, HARMON of Palermo, HARVELL of Farmington, HUNT of Buxton, JOHNSON of Eddington, LONGSTAFF of Waterville, MALABY of Hancock, McKANE of Newcastle, MITCHELL of the Penobscot Nation, NASS of Acton, NEWENDYKE of Litchfield, OLSEN of Phippsburg, PETERSON of Rumford, RICHARDSON of Carmel, SARTY of Denmark, STRANG BURGESS of Cumberland, TILTON of Harrington, TUTTLE of Sanford, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WINSOR of Norway, WINTLE of Garland, WOOD of Sabattus, Senators: GERZOFKY of Cumberland, RECTOR of Knox, ROSEN of Hancock, SNOWE-MELLO of Androscoggin, TRAHAN of Lincoln.

Bill "An Act To Reduce the Cost of Delivering Certain State Services"

(H.P. 445) (L.D. 587)

Sponsored by Representative FOSSEL of Alna.

Bill "An Act To Require the Archives Advisory Board To Recommend Candidates for State Archivist"

(H.P. 446) (L.D. 588)

Sponsored by Representative FOSSEL of Alna.

Cosponsored by Representatives: DOW of Waldoboro, GRAHAM of North Yarmouth, PRESCOTT of Topsham, ROTUNDO of Lewiston.

TAXATION

Bill "An Act To Create an Income Tax Checkoff To Benefit Libraries"

(H.P. 393) (L.D. 500)

Sponsored by Representative CURTIS of Madison.

Cosponsored by Senator HOBBS of York and Representatives: CUSHING of Hampden, FITTS of Pittsfield.

Bill "An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law"

(H.P. 400) (L.D. 507)

Sponsored by Representative CURTIS of Madison.

Cosponsored by Senator WHITTEMORE of Somerset and Representatives: CUSHING of Hampden, FITTS of Pittsfield.

Bill "An Act To Employ the Unemployed" (EMERGENCY)

(H.P. 404) (L.D. 521)

Sponsored by Representative BLODGETT of Augusta.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CUSHING of Hampden, GILBERT of Jay, GOODE of Bangor, HARVELL of Farmington, HERBIG of Belfast, RUSSELL of Portland, TUTTLE of Sanford, Senator: RECTOR of Knox.

Bill "An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development"

(H.P. 416) (L.D. 533)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CRAY of Palmyra, DAVIS of Sangerville, JOHNSON of Greenville, KNIGHT of Livermore Falls, LONG of Sherman, THERIAULT of Madawaska, Senators: GOODALL of Sagadahoc, PATRICK of Oxford.

Bill "An Act To Help Deter Youth Smoking and To Help Smokers Quit" (EMERGENCY)

(H.P. 419) (L.D. 536)

Sponsored by Representative FLEMINGS of Bar Harbor.

Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, BRYANT of Windham, DILL of Cape Elizabeth, EVES of North Berwick, ROCHELO of Biddeford, SANBORN of Gorham, Senator: CRAVEN of Androscoggin.

Bill "An Act Regarding the Recognition of Corporate Entities for Tax Purposes"

(H.P. 432) (L.D. 549)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator MASON of Androscoggin.

Bill "An Act To Provide a Property Tax Credit to Veterans"

(H.P. 433) (L.D. 550)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator MASON of Androscoggin and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, BURNS of Alfred, FLEMINGS of Bar Harbor, HARMON of Palermo, PILON of Saco, RUSSELL of Portland, Senator: TRAHAN of Lincoln.

Bill "An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding" (EMERGENCY)

(H.P. 440) (L.D. 557)

Sponsored by Representative BURNS of Whiting.

Cosponsored by President RAYE of Washington and Representatives: FITTS of Pittsfield, HOGAN of Old Orchard Beach, KNAPP of Gorham, LAJOIE of Lewiston, MAKER of Calais, PRESCOTT of Topsham, TILTON of Harrington.

Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation"
(H.P. 448) (L.D. 590)

Sponsored by Representative CHASE of Wells.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BENNETT of Kennebunk, FLEMINGS of Bar Harbor, HARMON of Palermo, KNIGHT of Livermore Falls, PLUMMER of Windham, WINSOR of Norway, Senator: KATZ of Kennebec.

TRANSPORTATION

Bill "An Act To Provide an Option To Register with the Selective Service System When Obtaining a Driver's License"
(H.P. 394) (L.D. 501)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Senator FARNHAM of Penobscot and Representatives: BEAULIEU of Auburn, GIFFORD of Lincoln, RUSSELL of Portland, VALENTINO of Saco, Senator: PATRICK of Oxford.

Bill "An Act To Allow a Waiver for On-premise Signs"
(H.P. 403) (L.D. 520)

Sponsored by Representative BEAULIEU of Auburn.
Cosponsored by Senator THOMAS of Somerset and Representatives: BICKFORD of Auburn, BOLDUC of Auburn, CROCKETT of Bethel, HOGAN of Old Orchard Beach, LAJOIE of Lewiston, ROSEN of Bucksport, WAGNER of Lewiston, WEAVER of York.

Bill "An Act To Amend the Motor Vehicle Laws Concerning Driving with Animals"
(H.P. 429) (L.D. 546)

Sponsored by Representative BEAUDOIN of Biddeford.
Cosponsored by Senator JACKSON of Aroostook and Representatives: BOLAND of Sanford, BRIGGS of Mexico, CAREY of Lewiston, CASAVANT of Biddeford, DRISCOLL of Westbrook, HARLOW of Portland, RUSSELL of Portland, VOLK of Scarborough.

Bill "An Act To Bring Maine's Minimum Financial Responsibility Laws Pertaining to Rental Vehicles into Conformity with Privately Owned Vehicles"

(H.P. 410) (L.D. 527)

Sponsored by Representative RICHARDSON of Warren.
Cosponsored by Senator WHITTEMORE of Somerset.
Committee on **TRANSPORTATION** suggested.

On motion of Representative CEBRA of Naples, **TABLED** pending **REFERENCE** and later today assigned.

VETERANS AND LEGAL AFFAIRS

Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor

(H.P. 396) (L.D. 503)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Allow Consumer Refunds or Exchanges of Unopened Bottles of Spirits"

(H.P. 397) (L.D. 504)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator PATRICK of Oxford and Representatives: BEAULIEU of Auburn, CAREY of Lewiston, DION of Portland, FITTS of Pittsfield, RUSSELL of Portland, VALENTINO of Saco, Senators: PLOWMAN of Penobscot, SAVIELLO of Franklin.

Bill "An Act To Change the Frequency of Wine Tastings Allowed in a 12-month Period"

(H.P. 411) (L.D. 528)

Sponsored by Representative PILON of Saco.
Cosponsored by Senator LANGLEY of Hancock and Representatives: BENNETT of Kennebunk, CHASE of Wells, FITTS of Pittsfield, VALENTINO of Saco.

Bill "An Act To Amend the Laws Pertaining to High-stakes Beano" (EMERGENCY)

(H.P. 418) (L.D. 535)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: CLARK of Millinocket, JOHNSON of Greenville, MAKER of Calais, PICCHIOTTI of Fairfield, SOCTOMAH of the Passamaquoddy Tribe, WOOD of Sabattus.

Bill "An Act To Improve Ballot Access for Gubernatorial Candidates"

(H.P. 428) (L.D. 545)

Sponsored by Representative CHIPMAN of Portland.
Cosponsored by Representatives: BEAULIEU of Auburn, BERRY of Bowdoinham, CROCKETT of Bethel, DAMON of Bangor, JOHNSON of Eddington, LONGSTAFF of Waterville, WILLETTE of Presque Isle.

Pursuant to Statute

Probate and Trust Law Advisory Commission

Representative NASS for the **Probate and Trust Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2 asks leave to report that the accompanying Bill "An Act To Update the Maine Uniform Trust Code"

(H.P. 415) (L.D. 532)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Maine Commission on Indigent Legal Services

Representative NASS for the **Maine Commission on Indigent Legal Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 451) (L.D. 593)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

the Honorable Everett W. McLeod, Sr., of Lee, who passed away not long after being sworn in for his fourth term in the Maine House of Representatives. Mr. McLeod was born in East Winn and was a graduate of Mattawamkeag High School in 1961. He attended the Mattawamkeag United Methodist Church, and he received an Outstanding Young Man of America Award in 1978. Mr. McLeod worked at Great Northern Paper Company, owned and operated a Sunoco Station in Lincoln and, for more than 35 years, traveled the State working in industrial sales. He was very active in the Town of Lee, serving on the school board and the board of selectmen for many terms. He had served in the Maine State Legislature as District 11 Representative for the past 6 years. We acknowledge his many years of dedicated service to his community and to the State. Mr. McLeod will be greatly missed and long remembered by his wife, Sarah, his family and his many friends;

(HLS 37)

Presented by Speaker NUTTING of Oakland.

Cosponsored by Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BEAVERS of South Berwick, Representative BECK of Waterville, Representative BELIVEAU of Kittery, Representative BENNETT of Kennebunk, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLACK of Wilton, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BRYANT of Windham, Representative BURNS of Whiting, Representative BURNS of Alfred, Representative CAIN of Orono, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHAPMAN of Brooksville, Representative CHASE of Wells, Representative CHIPMAN of Portland, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLARKE of Bath, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative CURTIS of Madison, Representative CUSHING of Hampden, Representative DAMON of Bangor, Representative DAVIS of Sangerville, Representative DILL of Cape Elizabeth, Representative DILL of Old Town, Representative DION of Portland, Representative DOW of Waldoboro, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNPHY of Embden, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative ESPLING of New Gloucester, Representative EVES of North Berwick, Representative FITTS of Pittsfield, Representative FITZPATRICK of Houlton, Representative FLEMINGS of Bar Harbor, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative FOSTER of Augusta, Representative FREDETTE of Newport, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILLWAY of Searsport, Representative GOODE of Bangor, Representative GRAHAM of North Yarmouth, Representative GUERIN of Glenburn, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARMON of Palermo, Representative HARVELL of Farmington, Representative

HASKELL of Portland, Representative HAYES of Buckfield, Representative HERBIG of Belfast, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative WALSH INNES of Yarmouth, Representative JOHNSON of Eddington, Representative JOHNSON of Greenville, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KESCHL of Belgrade, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative KUMIEGA of Deer Isle, Representative LAJOIE of Lewiston, Representative LIBBY of Waterboro, Representative LONG of Sherman, Representative LONGSTAFF of Waterville, Representative LOVEJOY of Portland, Representative LUCHINI of Ellsworth, Representative MacDONALD of Boothbay, Representative MAKER of Calais, Representative MALABY of Hancock, Representative MALONEY of Augusta, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McCLELLAN of Raymond, Representative McFADDEN of Dennysville, Representative MCKANE of Newcastle, Representative MITCHELL of the Penobscot Nation, Representative MORISSETTE of Winslow, Representative MORRISON of South Portland, Representative MOULTON of York, Representative NASS of Acton, Representative NELSON of Falmouth, Representative NEWENDYKE of Litchfield, Representative O'BRIEN of Lincolnville, Representative O'CONNOR of Berwick, Representative OLSEN of Phippsburg, Representative PARKER of Veazie, Representative PARRY of Arundel, Representative PEOPLES of Westbrook, Representative PETERSON of Rumford, Representative PICCHIOTTI of Fairfield, Representative PILON of Saco, Representative PLUMMER of Windham, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative RIOUX of Winterport, Representative ROCHELO of Biddeford, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SANDERSON of Chelsea, Representative SARTY of Denmark, Representative SHAW of Standish, Representative SIROCKI of Scarborough, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative THERIAULT of Madawaska, Representative TILTON of Harrington, Representative TIMBERLAKE of Turner, Representative TREAT of Hallowell, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VOLK of Scarborough, Representative WAGNER of Lewiston, Representative WATERHOUSE of Bridgton, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WILLETTE of Mapleton, Representative WILLETTE of Presque Isle, Representative WINSOR of Norway, Representative WINTLE of Garland, Representative WOOD of Sabattus, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Senator BLISS of Cumberland, Senator BRANNIGAN of Cumberland, Senator COLLINS of York, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DIAMOND of Cumberland, Senator FARNHAM of Penobscot, Senator GERZOFISKY of Cumberland, Senator GOODALL of Sagadahoc, Senator HASTINGS of Oxford, Senator HILL of York, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator KATZ of

Kennebec, Senator LANGLEY of Hancock, Senator MARTIN of Kennebec, Senator MASON of Androscoggin, Senator McCORMICK of Kennebec, Senator PATRICK of Oxford, Senator PLOWMAN of Penobscot, President ROYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SAVIELLO of Franklin, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SNOWE-MELLO of Androscoggin, Senator SULLIVAN of York, Senator THIBODEAU of Waldo, Senator THOMAS of Somerset, Senator TRAHAN of Lincoln, Senator WHITTEMORE of Somerset, Senator WOODBURY of Cumberland.

On **OBJECTION** of Representative NUTTING of Oakland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Mr. Speaker. I rise today to speak to my dear friend and colleague, Everett McLeod. My good friend and colleague, Representative McLeod, can't be with us today. Everett was known in the '60s for a Sunoco Station in Lincoln. He was also known for his Corvette. He owned and raced that Corvette and was very proud of that, and I can tell you that he and Archie McGinley were a pair that took a full house to beat in those days.

Everett and I kind of separated and raised families in the '60s, and I didn't get a chance to really meet Everett and associate with him until the '80s. When we became acquainted, Everett at that time was selling for Gilman Electric, I believe it was, and covered most of the state. I got involved in politics back in those days and was distributing a little paper for the Unorganized Territories United, and Everett used to take them from Lincoln and distribute them up into Madawaska for me. After that period of time, we discovered that our views are very much the same and when I decided to run for the Legislature, of course Everett had already been here one term, and so we kind of formed a bond that we had previously. And Everett, at that time, he still had the same Corvette, plus he had a few more antique cars that he had accumulated in that time. He also had a wife and fine family that I've become acquainted with, and we really became very close.

It is with the deepest respect that I stand before this body today to promote Everett, and he was a like a rock to me the first couple of years I was here, because you are looking for somebody that is solid and steadfast that you can look to. In his spending and his budget philosophies, he was like a rock. Between him and Henry Joy, I had a pretty good pair to compare notes with, so I really respect that. I can still call Henry today, but I have to pray for Everett. I ask that all of you keep Everett and his family in your prayers today. I wish his family the best. They are with us today up in the balcony. We have all lost a great friend and someone who was like a rock in his belief, in friendship and Christianity. Everett is the reason for the bibles on each of your desks. Most people didn't know that but Representative McLeod was instrumental in putting those bibles on your desks, it was that important to him, so take that with great honor. My wife and I became very close to Sarah and Everett the past four years and we all lost a good friend in December. So I hope you will join me today in wishing Everett, and his family up in the balcony, the best.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, fellow Members of the House. I rise today to add a little bit more perspective, perhaps, to Representative McLeod. Some of you folks didn't have the

pleasure and honor of knowing him. He was my seatmate for the last two sessions and also was a rock for me. It was just a pure pleasure to share that time. I think you'll all, those of you who have been here for a while, know the bond that does get formed. It's not political, it's just person to person. It's a special bond that we have, one that we honor today.

Everett worked me over pretty hard. As some of you know, I tend to kind of cruise through the middle of life, swerving along here, and Everett you could pretty much count on to be slightly righter than me. And as we would come up to these critical votes, he'd lean over to me and say "You know you can do it, you can vote red. You can do it, you can do it." You know, I think last session I voted red on more things that I had ever done, you know? And they would cheer when I would vote red on anything. It was like, yes, yes, she does know where the red button is.

Everett was just a solid, solid human being. I didn't have the pleasure of knowing Everett until 2006, is when I met Everett. He was always very supportive of my cancer issues. Some of you folks that are new haven't heard my speeches, but, unfortunately, they are coming. Look out. And Everett is yet one of those reasons that I continue to do what I do, which is that cancer is a despicable disease. I hate it and it needs to stop. It is the number one killer in Maine. As a cancer survivor myself, Everett and I then shared the special bond of being cancer survivors together. We talked about treatment, stuff that you know you can only sort of talk to with someone who has been there, done that. He was a great man of deep, deep faith. He approached everything in a very pragmatic, fair, deliberative process to everything, and he faced his cancer the same way. He was absolutely sure that everything was going to be A-OK, and he had me convinced it was going to be A-OK. Well, it didn't work out that way, and I hate that part. For this session when we started up, I requested to have Everett as my seatmate, and then he wasn't able to actually be here.

Some of you have seen on his desk here in the chamber a picture that was taken the last day of session, last April 12th, I think it was a Monday. You will learn that towards the end of session we all get a little punchy, and I have some rabbit ears, that when you see me wearing the rabbit ears you know that the session is coming to a close. And Everett liked all of the toys. We had Representative Jayne Giles as my other seatmate and something that happened in our early session that we got labeled into the "bunny rabbit club" somehow, and we had little bunnies and things, and Everett thought we were absolutely crazy. But he said, you guys make me laugh, you help me keep perspective, and he loved it when the bunny ears came out. And somebody was taking pictures in the chamber, probably Representative Prescott, and took that picture, and I love that picture. Not that I wish I wasn't in it, but I love that picture of Everett. His eyes are sparkling and he was full of life and full of fun. That's who he was, that's who he was, and he took his responsibilities here in Augusta so seriously, represented his home territories so well. I didn't make it up for the ceremony and I felt really bad about that. I had a chance to talk to the family this morning, I'm so glad they are here, and I want them to know that they are in my heart and prayers, and I'll miss Everett very much. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I really got to know Representative McLeod in the last couple of years, particularly chairing Inland, Fisheries and Wildlife, but I wanted to give you a little history before I get there.

I always used to see Everett come through the mill where I worked. He always had a smile on his face. He always took a

minute to talk to people, a very gentle, caring, kind individual. I had a great opportunity to work with his brother and I wanted to tell you a little story. Back many years ago, smelting was very big in the area, and Everett's brother and I and another gentleman used to like to go ice fishing. Well, it was a school vacation in April and I had a few extra dollars in my pocket that I could spend. My wife and I and my children, we went to Florida. Well in Florida I received a phone call from my father saying that Everett's brother had passed away. They went through the ice that night, him and the other individual. And if I was there, I would have been there too.

But I think it was a blessing knowing his brother Arthur and knowing Everett, because a lot of people didn't really understand Everett. Sometimes he could be a little rough and gruff, but deep down inside he was a really caring individual. He really represented his district extremely well. Sitting over here, and I would be sitting in 55, and the light would come on, he would turn over and give me that smile and thumbs up. It would be 145 yes and there would be Everett no. And he believed what he believed in. He did not come down here representing himself. He came down here representing the people who elected him to be here. And time and time again, a lot of us forget that.

I went through a little bout last year. As some of you know I served here last session. The first one to come to my side was Everett and he shared with me a letter that he had that was really meaningful and I made a copy of that and I still have that at home. My wife has a lot of family members in Lee and Everett knew my Aunt Helen. Anybody in Lee, who knows Aunt Helen, knows she likes to talk, likes to listen and likes to know what's going on. Everett used to communicate with her, time and time again, either through letters or him stopping in and seeing her.

In each and every one of your desks there should be something that Everett gave to each and every one of us. There is a bible. Take some time and look at that because it will bring back memories of Everett McLeod, because he was a caring, religious individual who put people first and him second. And Mr. Speaker, knowing that Everett always liked to push his light red, when we adjourn today, I'd like to have you open up the voting and each and every one of you vote red in his memory. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, Sarah and family. It is a great honor for me to speak on behalf of Representative McLeod today. I came to know Everett in my first term here. I had an opportunity to serve with him on the Government Oversight Committee and my first indication that he was really a special person, as has been mentioned here today, was the first day that I arrived in this chamber there was the New Testament sitting on my desk as there was for everyone else. I soon found out who that came from and I soon came to realize exactly why he felt compelled to do that, and he did that again this term.

Very soon after I met him, I came to know him as a very strong willed, strong character individual, a man of incredible strong faith and relationship with his Lord and Savior, Jesus Christ, and his love for his family. That carried Everett a long ways and impacted a lot of people.

My very first perspective of Everett came to be true that he was a very no-nonsense guy, but he always seemed to have a positive way of delivering his opinions and his objectives to you, no matter how strongly he felt about it. Our common bond of faith and family first allowed us to become very good friends and allowed us to share some of the same goals in life. On a lighter note, we both shared the love and ownership of Corvettes and

Supersports. So I always could go to Everett to ask him where I could buy parts for my Supersport and about my Corvette. He was quite a guy, I really miss him. I really look forward to seeing him again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative PRESCOTT: Thank you, Mr. Speaker. Everett McLeod will always hold a special place in my heart. He was the Representative who always smiled. He wore a black leather jacket and got away with it, and he always spoke his mind but with class and distinction. There was a day, I just want to share this one quick story with everybody here today, he held his hand out to me. I thought he was going to share some M&Ms to try to get me in trouble for having food in the chamber; however, instead he dropped a starfish pin into the palm of my hand. I looked at him and I said, "Why? This is really nice of you." He said, "Well, I know you like pins and I know you are a member of the Marine Resources Committee and I thought it would be a nice addition to your wardrobe." So I have always worn that pin with pride and I just want to know, Everett, that if you are listening today, you will always be the shining star.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative PLUMMER: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am very proud to say that I served in the 122nd, 123rd, 124th and, yes, the 125th session of the Maine Legislature with Everett McLeod. I am proud and honored to say that Everett was my friend. I will hold Everett and his family in my thoughts and prayers.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative CELLI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Everett was a special person who has touched many, many lives, not only his family but in this chamber. He was instrumental in helping me become a Representative, learning how to be a Representative. People have heard me say this before, but it really had meaning in this case. On your tombstone there are two dates. They are usually the most worthless dates of your life. You can't do anything, you're usually crying, eating, sleeping, and that's about it on those two dates. What's important is that dash in between your two dates and how much better the world is because you were in it. That's what that dash represents. There is not a tombstone in this state big enough for Everett's dash. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. On behalf of my caucus, I rise to honor Representative McLeod and his service here in Augusta. Everett and I came in on the same day and we probably were about as opposite of people as you could ever get to come into the chamber on that same day in 2004. But from that very first day when we were sworn in to our first term, what I knew and recognized about Everett McLeod was his smile. Before I ever knew his name, I knew his smile. It was huge and, no matter what, when he smiled at you, you were compelled, almost forced to smile back. No matter how awful your day was, no matter what you had on your mind, you couldn't help but return the favor he extended to you. I could always count on that smile and his friendly hello, and I miss it here everyday. I have missed it since swearing-in day in December. And when I drove up for the memorial service, what I was struck by was in every single photo, every silly photo of Everett, was that smile. It's unwavering. And even if cancer had shrunk the size of his body,

it never shrunk the size of that smile, not even a little bit. That amazing, contagious and genuine smile only seemed to shine brighter. Our thoughts and prayers are with Everett's family, they will continue to be, and we are all thankful for the time that our friend and colleague, Everett McLeod, spent with us. And we will always remember him, and especially his smile. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House and honored guests. I would like to take a few moments to share remembrances of my good friend, the Honorable Everett McLeod.

Everett always had the ability to quietly lead and persuade others to his point of view. I often thought it must have been because of his unique natural salesmanship, but when I reflect back on the many conversations and the observations, it was because Everett was genuine.

He never had to try to sell his stance or fabricate reasons for a vote. His beliefs, whether for or against any piece of legislation, and most of them were against, were simply stated and only given after much thought, much consideration, and guided by his faith in God.

Everett was also honored to represent the citizens of District 11. Any returning member that had the opportunity to hear Everett talk about his portion of our great state would hear him refer to it as the most beautiful portion and the most beautiful district in the State of Maine.

With every presentation of testimony Everett would not just refer to his legislative district by number but would call off every town, every plantation, and territory. I, Mr. Speaker, would be honored to do so for him now; District 11 comprised of the towns of Burlington, Chester, Danforth, Lakeville, Lee, Lowell, Mattawamkeag, Passadumkeag, Princeton, Springfield, Talmadge, Topsfield, Vanceboro, Waite, Winn, Woodville; Plantations of Carroll, Codyville, Drew, Grand Lake Stream and Webster; the Unorganized Territories of part of East Hancock, part of North Washington, including Brookton, Forest City, Kossuth, Lambert Lake and No. 21 Townships, Grand Falls, Greenfield, Kingman, Prentiss, Summit, Twombly and Whitney Townships.

The residents of Everett's district lost an admirable man, we lost an honorable and valuable member of this body, but we all are better for having known Everett. On behalf of the 125th Legislature and the citizens of the State of Maine, we express our appreciation to Everett's wife, Sarah and their family for sharing Everett with us. We were and are truly blessed. God bless his soul and may he continue to watch over us.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Everett W. McLeod, Sr., of Lee.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 6) (L.D. 14) Resolve, Regarding Legislative Review of the Final Repeal of Chapter 270: Adjustment of Volume Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 7) (L.D. 15) Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

ENACTORS
Emergency Measure

Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream

(H.P. 29) (L.D. 36)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway

(H.P. 16) (L.D. 24)

Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge

(H.P. 18) (L.D. 26)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 10, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, To Study the Sustainability of the Harness Racing Industry (EMERGENCY)

(H.P. 326) (L.D. 408)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested) TABLED - February 8, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - REFERENCE.

Subsequently, the Resolve was REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act To Amend the Laws Governing Bear Hunting"
(H.P. 361) (L.D. 468)
(Committee on **INLAND FISHERIES AND WILDLIFE** suggested)
TABLED - February 10, 2011 (Till Later Today) by
Representative DAVIS of Sangerville.
PENDING - REFERENCE.

Subsequently, the Bill was REFERRED to the Committee on
INLAND FISHERIES AND WILDLIFE, ordered printed and sent
for concurrence.

SENATE PAPERS

Bill "An Act Regarding Conveyance of Easements across
Railroad Rights-of-way"
(S.P. 147) (L.D. 514)

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.

RESOLUTION, Proposing an Amendment to the Constitution
of Maine To More Equitably Fund the Liabilities of the Maine
Public Employees Retirement System
(S.P. 146) (L.D. 513)

Bill "An Act To Provide Funding for the World Acadian
Congress"
(S.P. 157) (L.D. 565)

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 Allow Municipalities To Restrict the
Possession of Firearms in Certain Circumstances"
(S.P. 170) (L.D. 578)

Bill "An Act To Protect Children from Sexual Predators"
(S.P. 172) (L.D. 580)

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.

Bill "An Act Regarding Retention and Graduation Rates for
Maine's Colleges and Universities"
(S.P. 156) (L.D. 564)

Bill "An Act To Encourage Transparency in the Department of
Education"
(S.P. 158) (L.D. 566)

Bill "An Act To Create a Unified Early Childhood Education
System in Maine"
(S.P. 160) (L.D. 568)

Bill "An Act To Support and Encourage the Use of Online
Textbooks"
(S.P. 161) (L.D. 569)

Resolve, To Study the Creation of a School of Hospitality and
Hotel Management within the University of Maine System
(S.P. 171) (L.D. 579)

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 Regarding the Disposition of Mercury-added
Lamps"
(S.P. 145) (L.D. 512)

Bill "An Act To Review State Water Quality Standards"
(S.P. 148) (L.D. 515)

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 Establish Host Homes in Maine as Alternative
Emergency Shelters for Homeless Youth"
(S.P. 142) (L.D. 509)

Resolve, To Increase the Effectiveness of Accessibility
Requirements for Persons with Disabilities
(S.P. 152) (L.D. 560)

Bill "An Act To Amend the Laws Governing the Maine Health
Data Organization Relating to Retail Pharmacies"
(S.P. 164) (L.D. 572)

Bill "An Act To Repeal the Laws Governing the Capital
Investment Fund"
(S.P. 173) (L.D. 581)

Bill "An Act To Amend the Maine Certificate of Need Act of
2002"
(S.P. 174) (L.D. 582)

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 Regarding Prescription Drug Step Therapy and
Prior Authorization"
(S.P. 150) (L.D. 517)

Bill "An Act To Prevent Insurer Limits on Certain Dental Fees"
(S.P. 159) (L.D. 567)

Came from the Senate, REFERRED to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered printed.

REFERRED to the Committee on **INSURANCE AND
FINANCIAL SERVICES** in concurrence.

Bill "An Act To Protect the Civil Rights of Citizens"
(S.P. 165) (L.D. 573)

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 Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors"

(S.P. 149) (L.D. 516)

Bill "An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program" (EMERGENCY)

(S.P. 167) (L.D. 575)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 151) (L.D. 518)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

(S.P. 155) (L.D. 563)

Bill "An Act To Amend the Laws Governing Sales Tax on Used Motor Vehicles"

(S.P. 163) (L.D. 571)

Bill "An Act To Limit Taxes on Hospitals"

(S.P. 169) (L.D. 577)

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 Regulate the Use of Traffic Surveillance Cameras"

(S.P. 162) (L.D. 570)

Bill "An Act To Extend the Time of a Temporary Registration Plate"

(S.P. 166) (L.D. 574)

Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011" (EMERGENCY)

(S.P. 168) (L.D. 576)

Bill "An Act To Establish a National Rifle Association License Plate"

(S.P. 175) (L.D. 583)

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 Clarify Certain Provisions in the Harness Racing Laws"

(S.P. 153) (L.D. 561)

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.

Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY)

(S.P. 177) (L.D. 594)

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.

At this point, the Members of the House had the opportunity to push their red buttons in honor of the Honorable Everett W. McLeod, Sr., of Lee.

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

On motion of Representative CURTIS of Madison, the House adjourned at 11:27 a.m., until 10:00 a.m., Thursday, February 17, 2011 in honor and lasting tribute to the Honorable Everett W. McLeod, Sr., of Lee.