

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
16th Legislative Day
Thursday, February 17, 2011

Representative FITTS of Pittsfield assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend Jane Rich, United Church of Christ, Andover.
National Anthem by Elaine Michaud, Mexico.
Pledge of Allegiance.
Doctor of the day, Lisa Letourneau, M.D., M.P.H., Scarborough.
The Journal of Tuesday, February 15, 2011 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education"
(H.P. 258) (L.D. 325)
REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on February 8, 2011.
Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.
The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 69)
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 Title 10, MRSA, Chapter 1-A, §11, I am pleased to appoint Representative Bernard L. A. Ayotte of Caswell 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. 70)
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 Title 5, §20065, I am pleased to appoint Representative Richard S. Malaby of Hancock to the Substance Abuse Services 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. 71)
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 Title 5, §20065, I am pleased to appoint Representative Linda F. Sanborn of Gorham to the Substance Abuse Services 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. 72)
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 Title 5, §20065, I am pleased to appoint Representative Deborah J. Sanderson of Chelsea to the Substance Abuse Services 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. 73)
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 Title 5, §20065, I am pleased to appoint Representative Heather W. Sirocki of Scarborough to the Substance Abuse Services 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. 74)

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

February 16, 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 Stephen L. Bowen of Rockport for appointment as the Commissioner of the Department of Education.

Pursuant to Title 20-A, MRSA §251, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 68)

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

February 17, 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 Agriculture, Conservation and Forestry has approved the request by the sponsor, Representative Timberlake of Turner, to report the following "Leave to Withdraw":

L.D. 491 An Act To Require All Kennels Engaged in Breeding To Be Licensed and Inspected by the State

Pursuant to Joint Rule 310, the Committee on State and Local Government has approved the request by the sponsor, Representative Carey of Lewiston, to report the following "Leave to Withdraw":

L.D. 460 An Act To Require Executive Orders To Be Published Online

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 84)

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

February 15, 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 Criminal Justice and Public Safety, the nomination of Joseph Ponte of Pahrump, Nevada for appointment as the Commissioner of the Department of Corrections.

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 Move the Land for Maine's Future Board to the Department of Conservation"

(H.P. 453) (L.D. 599)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator PATRICK of Oxford and Representatives: BERRY of Bowdoinham, HARVELL of Farmington, KENT of Woolwich, O'BRIEN of Lincolnville.

Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council

(H.P. 458) (L.D. 628)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, KENT of Woolwich, McCABE of Skowhegan, TIMBERLAKE of Turner, Senator: THIBODEAU of Waldo.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Provide for the Designation of the Secretary of the Pull Events Commission"

(H.P. 459) (L.D. 629)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, KENT of Woolwich, McCABE of Skowhegan, O'BRIEN of Lincolnville, TIMBERLAKE of Turner, Senator: THIBODEAU of Waldo.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Amend Animal Welfare Laws"

(H.P. 482) (L.D. 652)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, KENT of Woolwich, McCABE of Skowhegan, O'BRIEN

of Lincolnville, TIMBERLAKE of Turner, Senator: THIBODEAU of Waldo.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Require Sex Offenders To Complete Their Full Time on the Sex Offender Registry"

(H.P. 468) (L.D. 638)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: COTTA of China, MORISSETTE of Winslow, PARRY of Arundel, SANDERSON of Chelsea.

Bill "An Act To Protect Medical Care Providers and Hospital Staff"

(H.P. 469) (L.D. 639)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representative DRISCOLL of Westbrook.

Bill "An Act To Prohibit Organized Retail Theft"

(H.P. 478) (L.D. 648)

Sponsored by Representative PLUMMER of Windham.

Cosponsored by Representatives: BURNS of Whiting, HARVELL of Farmington, SHAW of Standish.

Bill "An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon"

(H.P. 488) (L.D. 658)

Sponsored by Representative CRAFTS of Lisbon.

Cosponsored by Senator MASON of Androscoggin and Representatives: AYOTTE of Caswell, BLACK of Wilton, CEBRA of Naples, CLARK of Millinocket, DAVIS of Sangerville, FREDETTE of Newport, SARTY of Denmark, TIMBERLAKE of Turner.

Bill "An Act To Establish a Municipal and County Reimbursement Fee for Those Guilty of Crimes"

(H.P. 497) (L.D. 667)

Sponsored by Representative WILLETTE of Presque Isle.

Cosponsored by Senator THOMAS of Somerset and Representatives: AYOTTE of Caswell, CEBRA of Naples, CLARK of Easton, DAVIS of Sangerville, LONG of Sherman, THERIAULT of Madawaska, WILLETTE of Mapleton.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Provide Assistance to Economically Disadvantaged Students"

(H.P. 452) (L.D. 598)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Senator THOMAS of Somerset and Representatives: CROCKETT of Bethel, MCKANE of Newcastle, SARTY of Denmark, TILTON of Harrington, Senator: RECTOR of Knox.

Bill "An Act To Expand the Capacity of York County Community College"

(H.P. 457) (L.D. 627)

Sponsored by Representative BELIVEAU of Kittery.

Cosponsored by Senator LANGLEY of Hancock and Representatives: JOHNSON of Greenville, KUMIEGA of Deer Isle, WAGNER of Lewiston.

Bill "An Act To Provide for the Equitable Reimbursement of Schools Operated by the State in the Unorganized Territory" (EMERGENCY)

(H.P. 465) (L.D. 635)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: GIFFORD of Lincoln, JOHNSON of Greenville.

Resolve, To Establish a Task Force on Franco-Americans

(H.P. 486) (L.D. 656)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: BECK of Waterville, DAVIS of Sangerville, MALONEY of Augusta, MARTIN of Eagle Lake, RIOUX of Winterport, WINTLE of Garland, Senators: KATZ of Kennebec, THIBODEAU of Waldo.

Resolve, Directing the Department of Education To Amend Its Rules Pertaining to the Statute of Limitations for Filing a Due Process Hearing Request Regarding Special Education

(H.P. 492) (L.D. 662)

Sponsored by Representative KENT of Woolwich.

Cosponsored by Representative LOVEJOY of Portland, Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, STRANG BURGESS of Cumberland, WAGNER of Lewiston.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard"

(H.P. 454) (L.D. 600)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator GOODALL of Sagadahoc, Senator SAVIELLO of Franklin and Representatives: CORNELL du HOUX of Brunswick, DION of Portland, FITTS of Pittsfield, HAMPER of Oxford, HINCK of Portland, WALSH INNES of Yarmouth, LUCHINI of Ellsworth, Senator: BARTLETT of Cumberland.

Bill "An Act To Improve Regional Transmission Organization Responsiveness"

(H.P. 498) (L.D. 668)

Sponsored by Representative HINCK of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CRAY of Palmyra, HAYES of Buckfield, Senators: HOBBS of York, JACKSON of Aroostook, PATRICK of Oxford, THIBODEAU of Waldo.

ENVIRONMENT AND NATURAL RESOURCES

Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers

(H.P. 496) (L.D. 666)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: EDGECOMB of Caribou, GIFFORD of Lincoln.

Bill "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund"

(H.P. 501) (L.D. 671)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CURTIS of Madison, EDGECOMB of Caribou, GIFFORD of Lincoln, Senator: THOMAS of Somerset.

HEALTH AND HUMAN SERVICES

Bill "An Act To Update the Radon Registration Act"

(H.P. 461) (L.D. 631)

Sponsored by Representative SANBORN of Gorham.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BELIVEAU of Kittery, DUCHESNE of Hudson, LOVEJOY of Portland, MacDONALD of Boothbay, ROCHELO of Biddeford, WAGNER of Lewiston.

Bill "An Act To Ensure Proper Health Information Management"

(H.P. 466) (L.D. 636)

Sponsored by Representative CROCKETT of Bethel.

Bill "An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications"

(H.P. 476) (L.D. 646)

Sponsored by Representative WELSH of Rockport.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: KRUGER of Thomaston, STRANG BURGESS of Cumberland, Senator: RECTOR of Knox.

Bill "An Act To Amend the Occupational Disease Reporting Laws"

(H.P. 484) (L.D. 654)

Sponsored by Representative SANBORN of Gorham.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: HERBIG of Belfast, LOVEJOY of Portland, ROCHELO of Biddeford, STUCKEY of Portland.

Bill "An Act To Authorize the Department of Health and Human Services To Administratively Suspend or Revoke Facility Licenses"

(H.P. 504) (L.D. 674)

Sponsored by Representative EVES of North Berwick.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Nonresidents Who Work in Maine To Purchase Hunting and Fishing Licenses at Resident Rates"

(H.P. 456) (L.D. 626)

Sponsored by Representative BELIVEAU of Kittery. (BY REQUEST)

Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential"

(H.P. 464) (L.D. 634)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CLARK of Millinocket, CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, TUTTLE of Sanford, Senator: PATRICK of Oxford.

Resolve, To Increase the Amount Tagging Agents Receive for Tagging Game

(H.P. 467) (L.D. 637)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Representatives: CRAFTS of Lisbon, CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, LONG of Sherman, SARTY of Denmark, TIMBERLAKE of Turner, WOOD of Sabattus.

Bill "An Act To Encourage Coyote Management"

(H.P. 470) (L.D. 640)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, FREDETTE of Newport, TIMBERLAKE of Turner, Senators: JACKSON of Aroostook, SHERMAN of Aroostook.

Bill "An Act To Allow a Portion of Snowmobile Registration Fees To Be Used for the Repair of Trail-grooming Equipment"

(H.P. 471) (L.D. 641)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BLACK of Wilton, BURNS of Whiting, CRAFTS of Lisbon, FREDETTE of Newport, HAMPER of Oxford, TIMBERLAKE of Turner, Senators: JACKSON of Aroostook, SHERMAN of Aroostook.

Bill "An Act To Create an Apprentice Trapper License"

(H.P. 480) (L.D. 650)

Sponsored by Representative SARTY of Denmark.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Millinocket, CRAFTS of Lisbon, CURTIS of Madison, GIFFORD of Lincoln, JOHNSON of Greenville, SANDERSON of Chelsea, WATERHOUSE of Bridgton, WOOD of Sabattus.

Bill "An Act To Ban the Use of Personal Watercraft on Allen Pond in the Town of Greene"

(H.P. 483) (L.D. 653)

Sponsored by Representative CRAFTS of Lisbon. (BY REQUEST)

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies"

(H.P. 472) (L.D. 642)

Sponsored by Representative FOSSEL of Alna.

Cosponsored by Senator HOBBS of York and Representatives: DOW of Waldoboro, MALABY of Hancock, PRESCOTT of Topsham.

Resolve, To Replace Maine's Health Insurance System with the Type of System Used in New Hampshire

(H.P. 475) (L.D. 645)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Representatives: BENNETT of Kennebunk, LIBBY of Waterboro, MORISSETTE of Winslow, O'CONNOR of Berwick, PARKER of Veazie, SIROCKI of Scarborough, Senator: COLLINS of York.

Bill "An Act To Clarify the Responsibilities of Pharmacy Benefits Managers and Preferred Provider Organizations"

(H.P. 490) (L.D. 660)

Sponsored by Representative PICCHIOTTI of Fairfield.

Cosponsored by Senator MARTIN of Kennebec and Representatives: CURTIS of Madison, FITZPATRICK of Houlton, KNIGHT of Livermore Falls, MCKANE of Newcastle, MORISSETTE of Winslow, RICHARDSON of Warren, SANDERSON of Chelsea, Senator: SNOWE-MELLO of Androscoggin.

Bill "An Act To Provide Reasonable Uninsured Motorist Coverage"

(H.P. 502) (L.D. 672)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator ALFOND of Cumberland and Representatives: GOODE of Bangor, PICCHIOTTI of Fairfield, TREAT of Hallowell.

JUDICIARY

Bill "An Act To Improve Tribal-State Relations"

(H.P. 481) (L.D. 651)

Sponsored by Representative PRIEST of Brunswick.

Cosponsored by Senator BLISS of Cumberland and Representatives: BEAULIEU of Auburn, MITCHELL of the Penobscot Nation, MOULTON of York, NASS of Acton, ROCHELO of Biddeford, SOCTOMAH of the Passamaquoddy Tribe, Senator: GERZOFKY of Cumberland.

Bill "An Act To Provide Tribal Representation in the Senate"

(H.P. 485) (L.D. 655)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BEAVERS of South Berwick, CLARK of Millinocket, MAKER of Calais, MITCHELL of the Penobscot

Nation, SOCTOMAH of the Passamaquoddy Tribe, WOOD of Sabattus, Senators: SAVIELLO of Franklin, THIBODEAU of Waldo.

Bill "An Act To Limit Claims of Exempt Property"
(H.P. 495) (L.D. 665)

Sponsored by Representative MOULTON of York.

MARINE RESOURCES

Bill "An Act To Ensure Apportionment of Scallop Licenses"
(H.P. 494) (L.D. 664)

Sponsored by Representative TILTON of Harrington.
Cosponsored by President RAYE of Washington and Representative: BURNS of Whiting, Senator: TRAHAN of Lincoln.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Add Transit Services to the Growth Management Program Comprehensive Plan"
(H.P. 474) (L.D. 644)

Sponsored by Representative COTTA of China.
Cosponsored by Senator KATZ of Kennebec and Representatives: FLOOD of Winthrop, FOSTER of Augusta, HASKELL of Portland, MORISSETTE of Winslow, PEOPLES of Westbrook, SANDERSON of Chelsea, Senator: GERZOFKY of Cumberland.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Number of Members of the Legislature, the Length of Legislative Sessions and the Requirements for Introduction of Bills in a Second Regular Session
(H.P. 499) (L.D. 669)

Sponsored by Representative CAREY of Lewiston.
Cosponsored by Representative: McCABE of Skowhegan.

TAXATION

Bill "An Act To Exempt Retired Military Pay from State Income Tax"
(H.P. 477) (L.D. 647)

Sponsored by Representative JOHNSON of Greenville.
Cosponsored by Representatives: BURNS of Alfred, HARVELL of Farmington, KNIGHT of Livermore Falls and Representatives: CROCKETT of Bethel, DAMON of Bangor, HARMON of Palermo.

TRANSPORTATION

Bill "An Act To Amend the Law Pertaining to Loaner Registration Plates"
(H.P. 455) (L.D. 625)

Sponsored by Representative BELIVEAU of Kittery.
Cosponsored by Senator HILL of York.
Bill "An Act To Require Disability Registration Plates To Be Renewed in Person When Registering at a Municipality"
(H.P. 460) (L.D. 630)

Sponsored by Representative CRAFTS of Lisbon.
Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, CELLI of Brewer, DAVIS of Sangerville, TIMBERLAKE of Turner, WILLETTE of Mapleton, WOOD of Sabattus.

Resolve, To Direct the Department of Transportation To Rebuild Williams Road in the Town of Newport
(H.P. 462) (L.D. 632)
Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: CRAY of Palmyra, WINTLE of Garland, Senator: PLOWMAN of Penobscot.

Bill "An Act To Require Driver Education for All New Drivers"
(H.P. 491) (L.D. 661)

Sponsored by Representative TILTON of Harrington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: CEBRA of Naples, FITTS of Pittsfield, FITZPATRICK of Houlton.

Bill "An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle"
(H.P. 500) (L.D. 670)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland.
Bill "An Act To Expand Fiscally Responsible Transportation through Increased ZOOM Bus Service"
(H.P. 503) (L.D. 673)

Sponsored by Representative MOULTON of York.
Cosponsored by Senator COLLINS of York and Representatives: BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BOLDUC of Auburn, CASAVANT of Biddeford, CHIPMAN of Portland, DION of Portland, FOSTER of Augusta, HARLOW of Portland, HASKELL of Portland, HOGAN of Old Orchard Beach, KESCHL of Belgrade, LONGSTAFF of Waterville, MALONEY of Augusta, PEOPLES of Westbrook, PILON of Saco, ROCHELO of Biddeford, RUSSELL of Portland, WAGNER of Lewiston, WEAVER of York, WELSH of Rockport, Senators: ALFOND of Cumberland, BLISS of Cumberland, HASTINGS of Oxford, WOODBURY of Cumberland.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws"
(H.P. 463) (L.D. 633)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BEAULIEU of Auburn, CRAY of Palmyra, Senators: FARNHAM of Penobscot, PLOWMAN of Penobscot. Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Bill "An Act To Protect Public Safety in the Operation of the Oxford County Casino"
(H.P. 473) (L.D. 643)

Sponsored by Representative CAREY of Lewiston.
Bill "An Act Regarding Special Taste-testing Festivals" (EMERGENCY)
(H.P. 479) (L.D. 649)

Sponsored by Representative FITTS of Pittsfield.
Cosponsored by Representative WALSH INNES of Yarmouth, Senator PLOWMAN of Penobscot and Representatives: GRAHAM of North Yarmouth, PILON of Saco, Senator: WOODBURY of Cumberland.

Bill "An Act To Permit Disposal of Abandoned Manufactured Housing"
(H.P. 487) (L.D. 657)

Sponsored by Representative CROCKETT of Bethel.
Cosponsored by Senator HASTINGS of Oxford and Representatives: HAMPER of Oxford, WINSOR of Norway, Senators: FARNHAM of Penobscot, LANGLEY of Hancock, PLOWMAN of Penobscot.

Bill "An Act To Repeal the Maine Clean Election Laws"
(H.P. 489) (L.D. 659)
Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: CHASE of Wells, CURTIS of Madison, DAVIS of Sangerville, GIFFORD of Lincoln, O'CONNOR of Berwick, PARRY of Arundel, SIROCKI of Scarborough, TIMBERLAKE of Turner.

Bill "An Act To Amend the Laws Governing Corporate Political Donations"

(H.P. 493) (L.D. 663)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, BLODGETT of Augusta, BOLDUC of Auburn, GOODE of Bangor, O'BRIEN of Lincolnville.

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. 12)

ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused February 10 for legislative business.

READ and PASSED.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second 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)

(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)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

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 15, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Lieutenant J. Darrell Ouellette, of New Sweden

(HLS 49)

TABLED - January 25, 2011 (Till Later Today) by Representative AYOTTE of Caswell.

PENDING - **PASSAGE**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do want to thank initially Lieutenant Darrell Ouellette, retired, for driving down this morning with his friend, Sergeant Thomas Pelletier. They drove close to 300 miles and I certainly do want to thank them for being so dedicated to come down here for this occasion.

I just want to say a few words on behalf of Lieutenant Ouellette. About five months ago a constituent of mine called to tell me that he had received word that his daughter had apparently committed suicide. The incident occurred in the State of Illinois. His son-in-law waited several days after the incident happened, cremated the body, then contacted the father. Needless to say, I never saw a father so distraught.

I called the State Police barracks in Houlton and asked what I should do and was told that the person who handled these situations, Lieutenant Darrell Ouellette, had retired from the Maine State Police but that I should contact him anyway. I contacted Lieutenant Darrell Ouellette and he told me to send him all the pertinent information I had relating to the case.

I immediately contacted the father and we forwarded Lieutenant Ouellette all the pertinent information. What I received a few days later was one of the most thorough and comprehensive analytical reports I had ever read.

That is when I realized that I wanted to speak with Lieutenant Ouellette and find out more about him. I discovered that he was actually a constituent of mine who had in fact retired and was living in New Sweden. I called and thanked him for the report, congratulated him on his retirement and asked him if he would mind if I recognized him at a legislative level. He told me that he wanted no accolades but to go ahead and do what I thought I had to do. That is when I contacted one of his fellow State Police officers, Tom Pelletier, and asked him for a short biography of his friend Lieutenant Ouellette.

That is why today I stand in honor of Lieutenant Darrell Ouellette. I have found out that some of our heroes and some of our most humbled and dedicated people are right around us, such as Lieutenant Darrell Ouellette.

When it was published in the House Calendar that Lieutenant Ouellette was going to receive a legislative sentiment, a number of my fellow Representatives asked me when he was coming down to Augusta as they wanted to speak on his behalf.

That is when I contacted his fellow officer, Tom Pelletier, and told him that there was a change in plans and that I did not realize what a popular person he was. Of course, I had initially told him I would bring the legislative sentiment to New Sweden.

In closing, Lieutenant Ouellette, I want to sincerely thank you for a life that you've dedicated to the service of others, for all of the people you have helped in Maine throughout your life along the way, and for making Maine a better place to live. Thank you, Lieutenant Ouellette.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my pleasure to rise to recognize Lieutenant Ouellette today. I wasn't certain that he was going to make it on time, but over the last 33 years I have kind of become accustomed to waiting for the lieutenant.

I have known Darrell since he joined the State Police many years ago and have had the pleasure of working with and for him over our long careers. Darrell was always an exemplary officer no matter what position he held in the State Police. As a detective and a polygraph examiner, he earned the recognition and the respect of all of his peers in that field and throughout the state. As a supervisor and commanding officer of one of our criminal divisions, he also earned that respect and he came to be known as somebody who was in command of the facts and a very good leader in some of the most important investigations that this state has engaged in. It was noted in the sentiment Darrell was also deeply involved in the latter years of his career in the Missing Children Clearinghouse for the State of Maine.

Again, he distinguished himself with his peers and the families of these children.

Darrell's 33-year commitment to the Maine State Police and the State of Maine is rightly being recognized here today. He has worked very hard and his dedication should be appreciated by the citizens of this state in a very difficult job that he undertook 33 years ago and succeeded in successfully. I could share a lot of stories about Darrell today, but I won't do that on an open microphone. I would be glad to do it with you later, although some of those stories actually happened on a police radio so some people are already aware of them. It is certainly my honor to recognize Darrell today and his accomplishments, and I, along with many of his peers, wish him well in the days to come. Thank you, lieutenant.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. It is my pleasure to participate in the dedication and memorial, not memorial but a celebration of Darrell's life. I want to say to the Representative from Whiting, Representative Burns, that I also could share some stories. Maybe together we can do that at a different time and a different location.

I want to say that Darrell's life has been one of public service from his adult life. He actually became a staff member of the Legislature and he left the legislative staff to become a state trooper some 33 years ago. So from then, of course, he rose through the ranks and eventually became in charge of Troop F in Houlton, which, of course, those of us who are legislators in Aroostook County dealt more times than not. I do want to say that for those of you who may not know, he's continuing his role in public service because he's become a staff member at the University of Maine at Fort Kent in our public safety program. So if any of you who have anyone who is interested in becoming a state trooper or someone in public safety, fire department or whatever it may be, he would be an instructor for some one of your constituents, if you chose to send them to Fort Kent. And so I really wish him the best and I know that he will be a great faculty member on campus. I will simply say also that he was a former university student of mine. So my congratulations to him today and I wish him the best.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. I too am a retiree, as Representative Burns is, of the Maine State Police, and while I didn't work with Lieutenant Ouellette much, we did occasionally cross paths. But having served 23 years myself, I know what he went through. He perhaps knows a little better because he served a decade longer than I did. I just want to take this moment to thank him for his service, tell him he is joining a proud lot and wish him well. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE
Change of Committee

Representative **COTTA** from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow a Nonresident Notary Public or Justice of the Peace To Perform a Single Wedding Ceremony"

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

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.
Sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 194)

ORDERED, the House concurring, that when the House and Senate adjourn, they do, so until Tuesday, March 1, 2011, at 10:00 in the morning.

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

CONSENT CALENDAR

First Day

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

(S.P. 75) (L.D. 224) Bill "An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-3)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** as Amended in concurrence.

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

SENATE PAPERS

Bill "An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court"

(S.P. 178) (L.D. 595)

Bill "An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999"

(S.P. 205) (L.D. 624)

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 To Protect State Education Funds"

(S.P. 186) (L.D. 606)

Bill "An Act To Regionalize Supervision of Students in the Unorganized Territory"

(S.P. 188) (L.D. 608)

Bill "An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan"

(S.P. 200) (L.D. 619)

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.

Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters (EMERGENCY)

(S.P. 201) (L.D. 620)

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 Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications"

(S.P. 195) (L.D. 614)

Bill "An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond"

(S.P. 196) (L.D. 615)

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 Allow Medical Records To Contain an Option Regarding HIV Status Disclosure"

(S.P. 179) (L.D. 596)

Bill "An Act To Require Random Drug Testing for MaineCare Recipients"

(S.P. 185) (L.D. 605)

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 the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services"

(S.P. 182) (L.D. 602)

Bill "An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential"

(S.P. 189) (L.D. 609)

Bill "An Act To Clarify Adverse Possession"

(S.P. 202) (L.D. 621)

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 Clarify the Definition of 'Employment' in the Employment Security Law"

(S.P. 193) (L.D. 613)

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 Set Aside One Percent of Committed State Funds for Food Projects"

(S.P. 181) (L.D. 601)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Governor To Be Elected by a Majority Vote

(S.P. 187) (L.D. 607)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax

(S.P. 183) (L.D. 603)

Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"

(S.P. 184) (L.D. 604)

Bill "An Act Relating to Sales Tax on Certain Rental Vehicles"

(S.P. 191) (L.D. 611)

Bill "An Act To Modify the Process Regarding the Return of Unfit Tobacco Products"

(S.P. 198) (L.D. 617)

Bill "An Act To Reestablish the Municipal Revenue Sharing Program as a Compact between the State and Municipal Governments"

(S.P. 204) (L.D. 623)

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 Provide Funding for the State Transit, Aviation and Rail Transportation Fund"

(S.P. 180) (L.D. 597)

Bill "An Act To Clarify the Procedure by Which a Salvage Company May Apply for a Motor Vehicle Title"

(S.P. 190) (L.D. 610)

Bill "An Act To Authorize a GARVEE Bond for the Memorial Bridge in Kittery"

(S.P. 199) (L.D. 618)

Bill "An Act To Permit the Display of the National Emergency Service Medal on Registration Plates of Recipients"

(S.P. 203) (L.D. 622)

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

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

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

ENACTORS
Emergency Measure

An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

(S.P. 75) (L.D. 224)

(C. "A" S-3)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

On motion of Representative WILLETTE of Presque Isle, the House adjourned at 11:15 a.m., until 10:00 a.m., Tuesday, March 1, 2011 pursuant to the Joint Order (S.P. 194) and in honor and lasting tribute to William E. A. Smythe, of Presque Isle.