

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
18th Legislative Day
Thursday, March 3, 2011

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

Prayer by Deacon Dean Lachance, St. Michael Parish, Augusta.

National Anthem by Hannah Sivret, Calais High School.

Pledge of Allegiance.

Doctor of the day, Jonathan Fanburg, MD, MPH, Portland.

The Journal of Tuesday, March 1, 2011 was read and approved.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative CELLI of Brewer to seat 122, effective immediately.

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

COMMUNICATIONS

The Following Communication: (H.C. 83)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

March 2, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please find enclosed a certified copy of the final results from the March 1, 2011 Special Election held in State Representative District 11.

Sincerely,

S/Charles E. Summers, Jr.

Secretary of State

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

March 2, 2011

To The Honorable Heather J.R. Priest, Clerk of the House in the One Hundred and Twenty-fifth Legislature:

I, Charles E. Summers, Jr., Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following is the name and residence of the Representative-elect to the One Hundred and Twenty-fifth Legislature, in accordance with the tabulation submitted to the Governor on March 2, 2011:

DISTRICT 11 Beth P. Turner, Burlington

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this second day of March in the year Two Thousand and Eleven.

S/Charles E. Summers, Jr.

Secretary of State

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

March 2, 2011

To The Honorable Robert W. Nutting, Speaker of the House in the One Hundred and Twenty-fifth Legislature:

I, Charles E. Summers, Jr., Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the return of the votes cast for State Representative District 11 at the Special Election held on the first day of March in the year two thousand and eleven;

REPORT AS FOLLOWS; that the following named person having received a plurality of the votes cast, appears to have been elected:

SPECIAL ELECTION – March 1, 2011

STATE REPRESENTATIVE

DISTRICT 11

House, Deanna A., Lee 557

Turner, Beth P., Burlington 697

Merletti, Phillip, Lee 106

I, Charles E. Summers, Jr., Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Representative at the Special Election, as reported to me on the returns from the municipalities in State Representative District 11.
S/Charles E. Summers, Jr.
Secretary of State

READ and ORDERED PLACED ON FILE.

At this point, the Speaker announced the presence in the Hall of the House of Representative-Elect TURNER of Burlington. The Speaker appointed the following Representatives to escort Representative-Elect TURNER to the Office of the Governor to take and subscribe the oaths necessary to qualify her for the discharge of her official duties:

Representative CURTIS of Madison

Representative GIFFORD of Lincoln

Representative McFADDEN of Dennysville

Representative WILLETTE of Mapleton

Representative HAYES of Buckfield

Representative CLARK of Millinocket

Representative DUCHESNE of Hudson

Representative LUCHINI of Ellsworth

SENATE PAPERS

Bill "An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing" (EMERGENCY)

(S.P. 143) (L.D. 510)

Committee on **MARINE RESOURCES** suggested and ordered printed.

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.

Resolve, Directing the Department of Health and Human Services To Examine the Issue of Revocation of Licenses for Nonpayment of Child Support

(S.P. 144) (L.D. 511)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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 Landowner Liability for Environmental Damage Caused by Others"

(S.P. 197) (L.D. 616)

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

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

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

Non-Concurrent Matter

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

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on February 15, 2011.

Came from the Senate **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Expand Competitive Bidding for Energy Service Contracts with Schools"

(H.P. 589) (L.D. 782)

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on March 1, 2011.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 79)

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

February 28, 2011

The 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 reappoint Representative Margaret R. Rotundo of Lewiston 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. 82)

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

March 1, 2011

The 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, MRSA, §3371, I am pleased to appoint the following Representatives to the Maine Fire Protection Services Commission:

Representative Richard D. Long of Sherman

Representative Dean A. Cray of Palmyra

Representative Michel A. Lajoie of Lewiston

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 80)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 3, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 99

An Act To Allow the Use of Public Funds for the Repair and Maintenance of Private Roads and Bridges and To Ensure Public Access to the Seboomook Lake Region

Education and Cultural Affairs

L.D. 148

An Act To Set Uniform Standards for School Construction

L.D. 236

An Act To Require High School Students To Register To Vote as a Requirement for Graduation

Inland Fisheries and Wildlife

L.D. 173

Resolve, To Allow the Possession of an Unlimited Number of Game Birds

Labor, Commerce, Research and Economic Development

L.D. 136

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

L.D. 152

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

L.D. 169

An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay

Taxation

L.D. 7

An Act Concerning Taxation of Automobile Manufacturers' Rebates

L.D. 42

An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry

Transportation

L.D. 27

An Act Concerning Maine Veterans License Plates

L.D. 96 An Act To Reduce Noise and Emissions Associated with Trains
L.D. 102 An Act To Allow Landowners Access across Railroad Tracks
The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Heather J.R. Priest
Clerk of the House
READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 81)
**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 3, 2011
The 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 Education and Cultural Affairs has approved the request by the sponsor, Representative Clark of Millinocket, to report the following "Leave to Withdraw":

L.D. 233 An Act To Establish the State Board of Education as the Appointing Authority for the Commissioner of Education

Pursuant to Joint Rule 310, the Committee on Marine Resources has approved the request by the sponsor, Representative Tilton of Harrington, to report the following "Leave to Withdraw":

L.D. 371 An Act To Control Costs to the Lobster Industry
Sincerely,
S/Heather J.R. Priest
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 110)
**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 1, 2011
The 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 nominations:

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Honorable Chandler E. Woodcock of Farmington for appointment as the Commissioner of the Department of Inland Fisheries and Wildlife.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Paul H. Sighinolfi of Brewer for appointment as the Executive Director of the Maine Worker's Compensation Board.

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 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

Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories (EMERGENCY)
(H.P. 615) (L.D. 819)

Sponsored by Representative McCABE of Skowhegan.
Cosponsored by Senator JACKSON of Aroostook and Representatives: EDGECOMB of Caribou, HAYES of Buckfield, MARTIN of Eagle Lake, Senators: PATRICK of Oxford, SHERMAN of Aroostook.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority"
(H.P. 603) (L.D. 807)

Sponsored by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator ROSEN of Hancock and Representatives: CHASE of Wells, CLARK of Easton, CURTIS of Madison, FLOOD of Winthrop, WINSOR of Norway.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training"
(H.P. 625) (L.D. 829)

Sponsored by Representative McCABE of Skowhegan.
Cosponsored by Representatives: CAREY of Lewiston, EVES of North Berwick, GOODE of Bangor, HUNT of Buxton, MARTIN of Eagle Lake, ROTUNDO of Lewiston, Senator: PATRICK of Oxford.

Bill "An Act To Establish a Debt Limit for the State"
(H.P. 627) (L.D. 830)

Sponsored by Representative CHASE of Wells.
Cosponsored by Senator COLLINS of York and Representatives: CEBRA of Naples, CURTIS of Madison, CUSHING of Hampden, FLOOD of Winthrop, NASS of Acton, SARTY of Denmark, WINSOR of Norway, Senator: THIBODEAU of Waldo.

Bill "An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources"
(H.P. 639) (L.D. 842)

Sponsored by Representative HUNT of Buxton.
Cosponsored by Senator JACKSON of Aroostook and Representatives: DOW of Waldoboro, EVES of North Berwick, FLEMINGS of Bar Harbor, McCABE of Skowhegan, PRESCOTT of Topsham.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis"
(H.P. 620) (L.D. 824)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook and Representative: THERIAULT of Madawaska, Senator: GERZOFKY of Cumberland.

Bill "An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System"

(H.P. 623) (L.D. 827)

Sponsored by Representative BLODGETT of Augusta.

Cosponsored by Representatives: MORRISON of South Portland, O'BRIEN of Lincolnville, PLUMMER of Windham, RUSSELL of Portland, STEVENS of Bangor, VALENTINO of Saco, Senator: PATRICK of Oxford.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require Every School Administrative Unit To Have a Food Service Director"

(H.P. 609) (L.D. 813)

Sponsored by Representative RANKIN of Hiram.

Cosponsored by Senator LANGLEY of Hancock and Representatives: BERRY of Bowdoinham, EVES of North Berwick, LOVEJOY of Portland, NASS of Acton, NELSON of Falmouth, RICHARDSON of Carmel, ROTUNDO of Lewiston, SANBORN of Gorham.

Bill "An Act To Stabilize Short-term Funding of Public Kindergarten to Grade 12 Education" (EMERGENCY)

(H.P. 613) (L.D. 817)

Sponsored by Representative DOW of Waldoboro.

ENVIRONMENT AND NATURAL RESOURCES

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel

(H.P. 636) (L.D. 839)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Representatives: MacDONALD of Boothbay, STEVENS of Bangor and Representatives: DUNPHY of Embden, GIFFORD of Lincoln, HARVELL of Farmington, LIBBY of Waterboro, MALABY of Hancock, McCLELLAN of Raymond, PARRY of Arundel, Senator: THOMAS of Somerset.

HEALTH AND HUMAN SERVICES

Bill "An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities"

(H.P. 602) (L.D. 806)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator LANGLEY of Hancock and Representatives: BECK of Waterville, BOLAND of Sanford, EVES of North Berwick, FOSSEL of Aina, MALABY of Hancock, RICHARDSON of Warren, Senator: WOODBURY of Cumberland.

Bill "An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects To Provide Alternative Means To Satisfy MaineCare Neutrality"

(H.P. 621) (L.D. 825)

Sponsored by Representative MARTIN of Eagle Lake.

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

Bill "An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects"

(H.P. 624) (L.D. 828)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Representative: MALABY of Hancock.

Bill "An Act To Protect the State from Accumulating Future Hospital Debt"

(H.P. 628) (L.D. 831)

Sponsored by Representative CUSHING of Hampden.

Cosponsored by Senator COURTNEY of York and Representatives: CRAFTS of Lisbon, CURTIS of Madison, FLOOD of Winthrop, WINSOR of Norway, Senators: PLOWMAN of Penobscot, TRAHAN of Lincoln.

Bill "An Act Relating to Child Support and Visitation by Noncustodial Parents"

(H.P. 607) (L.D. 811)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLODGETT of Augusta, PRIEST of Brunswick, Senator: JACKSON of Aroostook.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative SANBORN of Gorham, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"

(H.P. 634) (L.D. 837)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Senator ALFOND of Cumberland and Representatives: DOW of Waldoboro, MORRISON of South Portland, O'BRIEN of Lincolnville, RICHARDSON of Carmel, RICHARDSON of Warren, STRANG BURGESS of Cumberland, WAGNER of Lewiston, Senator: WOODBURY of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative SANBORN of Gorham, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Subsequently, Representative CURTIS reported that the necessary oaths had been taken by Representative TURNER to qualify her to enter upon her official duties.

At this point, the Speaker recognized the Representative from Burlington, Representative TURNER, and she was added to the quorum call of the First Regular Session of the 125th Legislature.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative TURNER of Burlington to seat 91.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Hunting on Sunday in Certain Wildlife Management Districts"

(H.P. 606) (L.D. 810)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representative WOOD of Sabattus, Senator PATRICK of Oxford and Representatives: BEAUDOIN of Biddeford, CRAFTS of Lisbon, TIMBERLAKE of Turner.

Bill "An Act To Restrict Permits Available to the Holder of a Super Pack License"

(H.P. 630) (L.D. 833)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BRIGGS of Mexico, CHASE of Wells, CLARK of Millinocket, DAVIS of Sangerville, EBERLE of South Portland, RICHARDSON of Warren, TIMBERLAKE of Turner, Senator: TRAHAN of Lincoln.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition"

(H.P. 641) (L.D. 844)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and Representatives: HASKELL of Portland, KRUGER of Thomaston, MacDONALD of Boothbay, MORRISON of South Portland.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings"

(H.P. 612) (L.D. 816)

Sponsored by Representative BLODGETT of Augusta.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce

(H.P. 614) (L.D. 818)

Sponsored by Representative PETERSON of Rumford.
Cosponsored by Representative SANBORN of Gorham and Representatives: EVES of North Berwick, STUCKEY of Portland.

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing (EMERGENCY)

(H.P. 638) (L.D. 841)

Sponsored by Representative CUSHING of Hampden.
Cosponsored by Senator ALFOND of Cumberland and Representatives: CAIN of Orono, CAREY of Lewiston, CURTIS of Madison, HAYES of Buckfield, VOLK of Scarborough, Senator: PLOWMAN of Penobscot.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising"

(H.P. 608) (L.D. 812)

Sponsored by Representative HARLOW of Portland.
Cosponsored by Senator PATRICK of Oxford and Representatives: CHIPMAN of Portland, CLARKE of Bath, LOVEJOY of Portland, MORRISON of South Portland, MOULTON of York, RANKIN of Hiram, ROCHELO of Biddeford, STUCKEY of Portland.

Bill "An Act Regarding the Hiring of Immediate Family Members in State Government"

(H.P. 637) (L.D. 840)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and Representatives: CAREY of Lewiston, DUCHESNE of Hudson, MORRISON of South Portland, RUSSELL of Portland, Senators: BARTLETT of Cumberland, JACKSON of Aroostook, PATRICK of Oxford.

TAXATION

Bill "An Act To Decrease the Tax Burden on Maine's Seniors"

(H.P. 601) (L.D. 805)

Sponsored by Representative VOLK of Scarborough.
Cosponsored by Representatives: BENNETT of Kennebunk, BURNS of Alfred, CHASE of Wells, CUSHING of Hampden, HARMON of Palermo, KNIGHT of Livermore Falls, Senator: JACKSON of Aroostook.

Bill "An Act Regarding Property Taxes in the Unorganized Territories"

(H.P. 604) (L.D. 808)

Sponsored by Representative CROCKETT of Bethel. (BY REQUEST)

Bill "An Act Regarding the Fairness of Sales Tax on Certain Precious Metals Purchases"

(H.P. 605) (L.D. 809)

Sponsored by Representative DAMON of Bangor.
Cosponsored by Representatives: BEAULIEU of Auburn, CAREY of Lewiston, CROCKETT of Bethel, FOSTER of Augusta, JOHNSON of Eddington.

Bill "An Act To Remove Taxes on Equipment Used for Business"

(H.P. 618) (L.D. 822)

Sponsored by Representative DAMON of Bangor.
Cosponsored by Representatives: BEAULIEU of Auburn, CHIPMAN of Portland, CROCKETT of Bethel, FOSTER of Augusta, JOHNSON of Eddington, WILLETTE of Presque Isle.

Bill "An Act To Amend the Law Governing Tax Increment Financing Districts"

(H.P. 619) (L.D. 823)

Sponsored by Representative ROCHELO of Biddeford.
Cosponsored by Senator HOBBS of York and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, CASAVANT of Biddeford, FLEMINGS of Bar Harbor, HARLOW of Portland, Senators: COURTNEY of York, HASTINGS of Oxford.

Bill "An Act To Permit a Local Option Sales Tax"

(H.P. 622) (L.D. 826)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and Representatives: BERRY of Bowdoinham, FLEMINGS of Bar Harbor, MORRISON of South Portland, VOLK of Scarborough.

Bill "An Act To Exempt Orthotics from Sales Tax"

(H.P. 631) (L.D. 834)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BURNS of Alfred, DUCHESNE of Hudson, GILBERT of Jay, KENT of Woolwich, NELSON of Falmouth, PICCHIOTTI of Fairfield, SHAW of Standish, VOLK of Scarborough.

Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"

(H.P. 632) (L.D. 835)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: AYOTTE of Caswell, BERRY of Bowdoinham, CHAPMAN of Brooksville, CURTIS of Madison, O'BRIEN of Lincolnville, RUSSELL of Portland, SOCTOMAH of the Passamaquoddy Tribe, Senator: HASTINGS of Oxford.

Bill "An Act To Repeal the Alternative Minimum Tax"

(H.P. 633) (L.D. 836)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator HASTINGS of Oxford and Representatives: BENNETT of Kennebunk, CHASE of Wells, CURTIS of Madison, DAVIS of Sangerville, HARMON of

Palermo, RICHARDSON of Warren, TIMBERLAKE of Turner, WATERHOUSE of Bridgton.

Bill "An Act To Make the Homestead Property Tax Exemption More Flexible for Municipalities and Remain Revenue Neutral for the State"

(H.P. 635) (L.D. 838)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator COLLINS of York and Representatives: HARMON of Palermo, KNIGHT of Livermore Falls, KUMIEGA of Deer Isle, PILON of Saco.

TRANSPORTATION

Bill "An Act To Limit the Placement of Motor Vehicle Inspection Stickers in Automobiles"

(H.P. 611) (L.D. 815)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator PATRICK of Oxford and Representatives: BEAVERS of South Berwick, BRIGGS of Mexico, CASAVANT of Biddeford, FITZPATRICK of Houlton, GOODE of Bangor, KUMIEGA of Deer Isle, RUSSELL of Portland, SOCTOMAH of the Passamaquoddy Tribe.

VETERANS AND LEGAL AFFAIRS

Bill "An Act Relating to Political Action Committees in Maine"

(H.P. 610) (L.D. 814)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Senator ALFOND of Cumberland and Representatives: CAIN of Orono, DILL of Cape Elizabeth, MARTIN of Eagle Lake, ROTUNDO of Lewiston, Senators: CRAVEN of Androscoggin, GOODALL of Sagadahoc, HILL of York, PATRICK of Oxford.

Bill "An Act To Alter the Distribution of Maine Clean Election Act Funding"

(H.P. 616) (L.D. 820)

Sponsored by Representative CAREY of Lewiston.

Bill "An Act To Transfer Responsibility for the Enforcement of Liquor Laws to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations"

(H.P. 617) (L.D. 821)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Senator PATRICK of Oxford and Representatives: BEAULIEU of Auburn, DAMON of Bangor, FITTS of Pittsfield, RUSSELL of Portland, VALENTINO of Saco, Senator: PLOWMAN of Penobscot.

Bill "An Act Regarding Write-in Candidates in Municipal and City Elections"

(H.P. 629) (L.D. 832)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator BLISS of Cumberland and Representatives: CAREY of Lewiston, HASKELL of Portland, KRUGER of Thomaston, MORRISON of South Portland.

Bill "An Act To Modernize the Maine Clean Election Act by Allowing for Private Contributions"

(H.P. 640) (L.D. 843)

Sponsored by Representative CORNELL du HOUX of Brunswick.

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

ORDERS

On motion of Representative STRANG BURGESS of Cumberland, the following Joint Resolution: (H.P. 626) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDOC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Cape Elizabeth, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGEComb of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WINTLE of Garland, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland,

GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWMELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION RECOGNIZING COLON CANCER AWARENESS MONTH

WHEREAS, the Maine Colorectal Cancer Control Program has initiated a campaign for Colon Cancer Awareness Month, funded through a cooperative agreement with the United States Centers for Disease Control and Prevention; and

WHEREAS, the goal of having March designated as Colon Cancer Awareness Month is to increase awareness and understanding among all people in Maine, regardless of age, income and insurance status, regarding the importance and effectiveness of screening for colorectal cancer; and

WHEREAS, colorectal cancer is the 2nd leading cause of new cancer cases and deaths in Maine, and it is estimated that each year more than 800 people in Maine will be diagnosed with colorectal cancer and that 270 people in Maine will die of this cancer; and

WHEREAS, many deaths could be prevented with early screening for colorectal cancer, and only 66.6% of people in Maine 50 through 64 years of age reported receiving endoscopic screening within the past 10 years; and

WHEREAS, the Maine Colorectal Cancer Control Program's goal is to reduce Maine's colorectal cancer morbidity and mortality rates through the promotion and provision of early detection services and by providing no-cost colorectal cancer screening services for low-income, average-risk people in Maine over 50 years of age who are underinsured or uninsured; and

WHEREAS, program activities through the month will include conducting statewide public and health care provider education, providing patient assistance and developing initiatives to ensure that systems and policies are in place to promote and sustain high-quality colorectal screening, diagnosis and treatment; now therefore, be it

RESOLVED: That We, The Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to declare March as Colon Cancer Awareness Month and that we encourage the people of Maine to take advantage of early screening for colorectal cancer.

READ.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to have you take just a moment please to listen in and catch up with where we are in the Calendar here. We have a joint resolution that you all have graciously agreed to be part of and I appreciate that. We will be having a press conference at 11 o'clock this morning with the Chief Executive in the Governor's Cabinet Room. Obviously your first duties are here on the floor, but if you were so inclined you are most welcome to join us where we will be announcing and proclaiming March 2011 as Colon Cancer Awareness Month. And I am very honored, thrilled, excited but honored that our very own Suzanne McLeod Smith, Representative Everett McLeod's daughter, has agreed to come down today and she will be making this proclamation side

by side with the Chief Executive. As you know colon cancer is also a very, very despicable disease. It is the second leading cause of new cancer cases and deaths in Maine and it is estimated that each year more than 800 people in the State of Maine will be diagnosed with colorectal cancer and that 270 people in Maine will die this year from colorectal cancer.

Colorectal cancer is one of the cancers that is really, really preventable but you have to find it early, and you are going to hear that from me a lot this session, early detection saves lives. Early screening is really critical. Once you reach the age of 50 you need to go and have a colonoscopy and be checked. We have a lot of programs that are happening over this coming year to increase awareness and remind people of this despicable disease and the fact that it is one of the most preventable and treatable ones out there. So I simply want you all to be aware, stay tuned to your own bodies please. I wish I could have done something to help Everett. It's just really important. So I could tell you about cancer stuff and I probably would cry, it's been one of those weeks, and I hope that you understand the importance. I appreciate your time and attention. Thank you, Mr. Speaker, and if anybody would like to join us at 11 in the Governor's Cabinet Room, I would be so honored. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative AYOTTE of Caswell, the following Joint Order: (H.P. 600)

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate establish a "Nurse of the Day" program, which will invite a different nurse, including, but not limited to, a registered nurse, licensed practical nurse or advanced practice registered nurse, to attend the Legislature on each day that one or both Houses of the Legislature is in session and to be available in case of a medical emergency on a volunteer basis.

READ.

On motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE** and later today assigned.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 13)

ORDERED, that Representative Eleanor M. Espling of New Gloucester be excused March 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jonathan B. McKane of Newcastle be excused March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Meredith N. Strang Burgess of Cumberland be excused March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Sabattus be excused February 17 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Reverend David O. Sivret, of Calais, on the occasion of his retirement from both the priesthood and the Maine Army National Guard. The Reverend Sivret, who served in Iraq from 2004 to 2005 with the 25th Infantry Division, was wounded in a

suicide bombing in Mosul, Iraq and is now disabled as a result of his wounds. He was ordained in 1989 and served at St. Anne's Episcopal Church in Calais. We send him our appreciation for his dedicated service to his community, his church and his State and Nation, and we send him our best wishes;

(HLS 124)

Presented by Representative MAKER of Calais.

Cosponsored by President RAYE of Washington.

On **OBJECTION** of Representative MAKER of Calais, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Reverend David Sivret was born and raised in Augusta, Maine. He graduated from Cony High School. He received his Master's in divinity from Bangor Theological Seminary.

David was ordained to the priesthood in December 1989 and retired in November 2010 – with over 21 years of service. He served parishes in Maine, New Hampshire and New York. His last church he served was my church in St. Anne's in Calais, Maine.

His military assignment is Chaplain Captain David O. Sivret – he served 22 years in the Maine Army National Guard. He served in Iraq in 2004-2005 with the 25th Infantry Division. On December 21, 2004 in the dining facility a homicide bomber took his own life, and 22 other soldiers. Chaplain Sivret was thrown 10 feet out of his seat, had broken ribs, shattered knee and a punctured right ear drum. Sivret managed to stand, but he couldn't hear. He went about his job ministering to his soldiers. Sivret said he wouldn't leave them, they were his soldiers. Captain Sivret received the Purple Heart for his injuries he endured and the service to his country.

David is an active member in the VFW Post 9779. David Sivret is a father of 5 children and a Papa of 6 grandchildren. Father David currently resides in Calais, Maine, with his lovely wife Sherri and youngest daughter, Hannah, which you heard earlier today. I would request that we give him a hand for the services that he has done for our country.

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

Recognizing:

the organizers and participants of the Crystal Lake Ice Fishing Derby, of Gray, for its successful fund-raising of \$55,000 for the USO, the Department of Inland Fisheries and Wildlife and the Gray-New Gloucester school system. With 6,000 people in attendance, the fishing derby raised money for Maine military members, the Department of Inland Fisheries and Wildlife Region A trout management, which includes the towns of Gray, New Gloucester and Pownal, and the local school system of Gray-New Gloucester. The fishing derby is notable for being the largest event in the history of the towns of Gray and Pownal, the largest fund-raiser in Maine history for the USO and the largest fund-raiser for the Gray-New Gloucester school system. We congratulate the organizers and participants of the Crystal Lake Ice Fishing Derby on this accomplishment;

(HLS 146)

Presented by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative BRYANT of Windham.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 40) (L.D. 85) Bill "An Act To Repeal the Sunset on the Law Relating to the Landing of Dragged Crabs" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 34) (L.D. 41) Bill "An Act To Amend the Laws Governing the Maine Potato Board" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-5)

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

CONSENT CALENDAR

Second Day

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

(H.P. 32) (L.D. 39) Bill "An Act Related to Family Law Magistrates"

(H.P. 39) (L.D. 46) Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System"

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.

ENACTORS

Emergency Measure

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

(H.P. 6) (L.D. 14)

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. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 7) (L.D. 15)

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. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 247)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 8, 2011, at 10:00 in the morning.

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

Bill "An Act To Improve the Enforcement of Laws Protecting Dogs"

(S.P. 253) (L.D. 850)

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.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine"

(S.P. 254) (L.D. 851)

Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy"

(S.P. 255) (L.D. 852)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust

(S.P. 257) (L.D. 853)

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 Require the Treasurer of State To Publish All State Liabilities"

(S.P. 258) (L.D. 854)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

(S.P. 252) (L.D. 849)

Bill "An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing"

(S.P. 259) (L.D. 855)

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 Hold the Maine Turnpike Authority Accountable for Its Obligation under Maine Law To Transfer Annual Surplus Revenue to the Department of Transportation for Road and Bridge Projects around the State"

(S.P. 248) (L.D. 845)

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

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

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

(S.P. 251) (L.D. 848)

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.

Bill "An Act To Increase the Amount of Deductible Business Expense Allowed for Property Placed in Service Beginning in 2011"

(S.P. 250) (L.D. 847)

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

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

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

On motion of Representative TURNER of Burlington, the House adjourned at 11:11 a.m., until 10:00 a.m., Tuesday, March 8, 2011 pursuant to the Joint Order (S.P. 247).