

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
23rd Legislative Day
Thursday, March 17, 2011

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

Prayer by Pastor Stephen Espling, First Evangelical Free Church of Maine, Westbrook.

Pledge of Allegiance.

Doctor of the day, Tamas Peredy, M.D., Freeport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, To Authorize the Exchange of Certain Lands Owned by the State

(S.P. 341) (L.D. 1132)

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 Reform the Maine Public Employees Retirement System"

(S.P. 342) (L.D. 1133)

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 a Stay of an Administrative License Suspension for Refusal To Submit to a Test"

(S.P. 323) (L.D. 1090)

Committee on **TRANSPORTATION** 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 To Extend the Time by Which Certified Plans for a Subdivision Must Be Filed"

(S.P. 265) (L.D. 861)

Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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 Require Public Disclosure of Health Care Prices"

(S.P. 340) (L.D. 1131)

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 Protect the Rights of Property Owners"

(S.P. 344) (L.D. 1135)

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 the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank"

(S.P. 339) (L.D. 1130)

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 Make Municipal Recounts Consistent with State Recounts"

(S.P. 343) (L.D. 1134)

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

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

Non-Concurrent Matter

Bill "An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources"

(H.P. 832) (L.D. 1120)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on March 15, 2011.

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

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

Non-Concurrent Matter

Bill "An Act To Encourage Better Grades for High School Students by Linking Grades with the Granting of a Driver's License"

(H.P. 780) (L.D. 1045)

REFERRED to the Committee on **TRANSPORTATION** in the House on March 15, 2011.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 101)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

March 17, 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":

Education and Cultural Affairs

L.D. 232 Resolve, To Change the Name of the Northern Penobscot Technical Center

Inland Fisheries and Wildlife

L.D. 78 An Act To Allow Antlerless Deer Permits To Be Transferred to Family Members

L.D. 200 An Act To Provide Complimentary Any-Deer Permits to Persons 70 Years of Age and Older

L.D. 270 An Act To Reserve a Number of Moose Permits for the Tribes of Maine

Insurance and Financial Services

L.D. 402 An Act To Improve Credit Reporting Regarding Consumers without a Credit History

Judiciary

L.D. 237 An Act To Make Public the Names of Members of Limited Liability Companies

Marine Resources

L.D. 244 Resolve, Directing the Department of Marine Resources To Extend the Carrier Vessel Size Limit in the Menhaden Pilot Program

Transportation

L.D. 144 An Act To Regulate the Use of Magnesium Chloride

L.D. 246 An Act To Require the Daytime Use of Headlights on Motor Vehicles

L.D. 283 An Act To Require That Motor Vehicles Be Clear of Solid Precipitation When Operated on Public Ways

L.D. 354 Resolve, To Improve the Intersection of Route 1 and Manktown Road in Waldoboro

L.D. 414 An Act To Allow Landowners Road Access

Veterans and Legal Affairs

L.D. 34 An Act To Require Candidates for Public Office To Provide Proof of Citizenship

L.D. 481 An Act To Make the Cashier or Clerk Who Sells Alcoholic Beverages or Tobacco to an Underage Person Responsible for Paying the Fine

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. 102)

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

March 17, 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 Appropriations and Financial Affairs has approved the request by the sponsor,

Representative Tilton of Harrington, to report the following "Leave to Withdraw":

L.D. 350 Resolve, Directing the Maine Public Employees Retirement System To Consider Warden Bayley Grant's Game Warden Service as Having Begun in 1983, without an Interruption in Service

Pursuant to Joint Rule 310, the Committee on Energy, Utilities and Technology has approved the request by the sponsor, Representative Fitts of Pittsfield, to report the following "Leave to Withdraw":

L.D. 916 An Act To Clarify Notification Procedures during an Emergency Excavation

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve 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 Require Timely Reporting of Dog Licensing" (H.P. 867) (L.D. 1169)

Sponsored by Representative KNIGHT of Livermore Falls. (BY REQUEST)

Cosponsored by Senator MARTIN of Kennebec and Representatives: AYOTTE of Caswell, BRIGGS of Mexico, COTTA of China, FOSSEL of Alna, MAZUREK of Rockland, McCABE of Skowhegan, McKANE of Newcastle, PRESCOTT of Topsham.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners"

(H.P. 861) (L.D. 1163)

Sponsored by Representative DION of Portland.

Bill "An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy"

(H.P. 863) (L.D. 1165)

Sponsored by Representative DION of Portland.

Bill "An Act To Exempt Firearms Manufactured in this State from Federal Regulation"

(H.P. 866) (L.D. 1168)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BLACK of Wilton, CRAFTS of Lisbon, DAVIS of Sangerville, GIFFORD of Lincoln, HANLEY of Gardiner, LIBBY of Waterboro, SARTY of Denmark, TIMBERLAKE of Turner.

Bill "An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms"

(H.P. 874) (L.D. 1176)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York and Representatives: CLARK of Millinocket, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, GIFFORD of Lincoln, HANLEY of Gardiner, SARTY of Denmark, TIMBERLAKE of Turner.

Bill "An Act To Repeal the Laws Governing the Consolidation of Jails"

(H.P. 876) (L.D. 1178)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Representative FOSSEL of Alna, Senator TRAHAN of Lincoln and Representatives: AYOTTE of Caswell, BLACK of Wilton, CLARK of Easton, CRAFTS of Lisbon, CROCKETT of Bethel, McKANE of Newcastle, WILLETTE of Mapleton, Senator: THOMAS of Somerset.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Make Changes to the Maine College Savings Program"

(H.P. 871) (L.D. 1173)

Sponsored by Representative RICHARDSON of Carmel.
Cosponsored by Senator LANGLEY of Hancock.
Submitted by the Treasurer of State pursuant to Joint Rule 204.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Change the Regulation of Liquefied Petroleum Gas Distribution Facilities"

(H.P. 856) (L.D. 1158)

Sponsored by Representative FITTS of Pittsfield.
Bill "An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development"
(H.P. 868) (L.D. 1170)
Sponsored by Representative DUNPHY of Embden.
Cosponsored by Senator WHITTEMORE of Somerset and Representatives: CRAFTS of Lisbon, CRAY of Palmyra, JOHNSON of Eddington, LIBBY of Waterboro, MAKER of Calais, MALABY of Hancock, SIROCKI of Scarborough, WINTLE of Garland.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons"

(H.P. 854) (L.D. 1156)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator KATZ of Kennebec and Representatives: FOSSEL of Alna, HARMON of Palermo, PICCHIOTTI of Fairfield, WINTLE of Garland, Senators: LANGLEY of Hancock, MASON of Androscoggin, TRAHAN of Lincoln.

HEALTH AND HUMAN SERVICES

Bill "An Act To Amend the Identification Requirements under the Maine Medical Use of Marijuana Act"

(H.P. 857) (L.D. 1159)

Sponsored by Representative HASKELL of Portland.
Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BOLAND of Sanford, LAJOIE of Lewiston, MALONEY of Augusta, WAGNER of Lewiston.

Resolve, To Promote Education Regarding Parkinson's Disease among Health Care and Emergency Personnel

(H.P. 858) (L.D. 1160)

Sponsored by Representative HARLOW of Portland.
Cosponsored by Senator CRAVEN of Androscoggin and Representatives: KAENRATH of South Portland, MacDONALD of Boothbay, MORRISON of South Portland, PETERSON of Rumford, RANKIN of Hiram, ROCHELO of Biddeford, SANBORN of Gorham, STUCKEY of Portland.

Bill "An Act To Improve Electronic Prescribing"

(H.P. 864) (L.D. 1166)

Sponsored by Representative FITTS of Pittsfield.

Bill "An Act To Make Minor Changes to Municipal Health Inspection Activities"

(H.P. 875) (L.D. 1177)

Sponsored by Representative SANBORN of Gorham.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: EVES of North Berwick, ROCHELO of Biddeford, WELSH of Rockport.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Allow Members of Professional Associations To Purchase Health Insurance across State Lines"

(H.P. 860) (L.D. 1162)

Sponsored by Representative VOLK of Scarborough.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: FITZPATRICK of Houlton, HARVELL of Farmington, LIBBY of Waterboro, McKANE of Newcastle, MORISSETTE of Winslow, PICCHIOTTI of Fairfield, RICHARDSON of Warren, SANDERSON of Chelsea.

Bill "An Act To Allow a Homeowner To Insure a Residence for Less than Actual Cash Value"

(H.P. 873) (L.D. 1175)

Sponsored by Representative FREDETTE of Newport.
Cosponsored by Representative: DAVIS of Sangerville.

Bill "An Act To Require Advance Review and Approval of Certain Small Group Health Insurance Rate Increases and To Implement the Requirements of the Federal Patient Protection and Affordable Care Act"

(H.P. 877) (L.D. 1179)

Sponsored by Representative GOODE of Bangor.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAIN of Orono, EVES of North Berwick, GRAHAM of North Yarmouth, MORRISON of South Portland, PRIEST of Brunswick, SANBORN of Gorham, STUCKEY of Portland, TREAT of Hallowell.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Amend the Pine Tree Development Zone Laws To Provide a Better Measurement of Per Capita Income" (EMERGENCY)

(H.P. 869) (L.D. 1171)

Sponsored by Representative SHAW of Standish.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: DUCHESNE of Hudson, EVES of North Berwick, FLOOD of Winthrop, HUNT of Buxton, TUTTLE of Sanford, Senators: BARTLETT of Cumberland, MARTIN of Kennebec, SAVIELLO of Franklin.

Bill "An Act To Prohibit Enforcement of Federal Laws in Violation of the Constitution of the United States"

(H.P. 870) (L.D. 1172)

Sponsored by Representative NEWENDYKE of Litchfield.
Cosponsored by Representative LIBBY of Waterboro, Senator SNOWE-MELLO of Androscoggin and Representatives: CEBRA of Naples, CRAFTS of Lisbon, KNIGHT of Livermore Falls, KUMIEGA of Deer Isle, O'CONNOR of Berwick, TIMBERLAKE of Turner, WEAVER of York, Senator: MASON of Androscoggin.

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

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

TAXATION

Bill "An Act To Protect Property Tax Revenue in the Unorganized Territory"

(H.P. 855) (L.D. 1157)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Senator WHITEMORE of Somerset and Representatives: CRAFTS of Lisbon, CRAY of Palmyra, HARMON of Palermo, JOHNSON of Eddington, LIBBY of Waterboro, MAKER of Calais, MALABY of Hancock, SIROCKI of Scarborough.

Bill "An Act To Waive Penalties Imposed under Laws Governing Taxation for Persons Who Are Unemployed"

(H.P. 859) (L.D. 1161)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Support Maine Farms and Alleviate Hunger"

(H.P. 862) (L.D. 1164)

Sponsored by Representative DION of Portland.

Cosponsored by Representative STUCKEY of Portland, Senator ALFOND of Cumberland and Representatives: CHIPMAN of Portland, CLARK of Millinocket.

Bill "An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit"

(H.P. 872) (L.D. 1174)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator WOODBURY of Cumberland and Representatives: BRIGGS of Mexico, CORNELL du HOUE of Brunswick, CURTIS of Madison, HARMON of Palermo, KNAPP of Gorham, WAGNER of Lewiston, Senators: GERZOFISKY of Cumberland, GOODALL of Sagadahoc.

TRANSPORTATION

Bill "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"

(H.P. 865) (L.D. 1167)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York and Representatives: CLARK of Millinocket, HASKELL of Portland, KNAPP of Gorham, PARRY of Arundel, PEOPLES of Westbrook, PLUMMER of Windham, RIOUX of Winterport, Senator: DIAMOND of Cumberland.

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

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Allow Harness Racing Betting To Be Conducted at Class A Lounges"

(H.P. 853) (L.D. 1155)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BEAULIEU of Auburn, CAREY of Lewiston, DUNPHY of Embden, FITTS of Pittsfield, FREDETTE of Newport, LIBBY of Waterboro.

Bill "An Act To Transfer Responsibility for Oversight of Games of Chance to the Gambling Control Board"

(H.P. 878) (L.D. 1180)

Sponsored by Representative CAREY of Lewiston.

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

ORDERS

On motion of Representative PRESCOTT of Topsham, the following Joint Resolution: (H.P. 879) (Cosponsored by Senator GERZOFISKY of Cumberland and Representatives: CLARK of Millinocket, CLARKE of Bath, CORNELL du HOUE of Brunswick, CRAFTS of Lisbon, OLSEN of Phippsburg, PRIEST of Brunswick, TUTTLE of Sanford, Senator: GOODALL of Sagadahoc)

JOINT RESOLUTION RECOGNIZING THE MAINE CREDIT UNION LEAGUE FOR ITS ASSISTANCE TO THE CITIZENS OF THE STATE AFFECTED BY A BUSINESS CLOSURE

WHEREAS, the recent and sudden closure of a long-time oil company, Thibeault Energy, in the midcoast region has affected a number of area residents who prepaid for oil and who were left with 3 months more of the heating season and no money to buy more oil; and

WHEREAS, 5 midcoast credit unions came forward to help the people in need by offering loans with no interest and no credit check to the citizens who were left wondering how they were going to come up with funds to heat their homes; and

WHEREAS, this credit union program to assist consumers is an example of the generosity of local businesses helping those in need and stepping up to do the right thing, and we take this opportunity to send our appreciation to:

1. Atlantic Regional Federal Credit Union, Brunswick, Freeport and Topsham;
 2. Down East Credit Union, Topsham;
 3. Five County Credit Union, Bath, Lisbon and Topsham;
 4. Lisbon Community Federal Credit Union; and
 5. Midcoast Federal Credit Union, Bath and Brunswick;
- 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 acknowledge the Maine Credit Union League, whose members helped local citizens in need; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Atlantic Regional Federal Credit Union, Down East Credit Union, Five County Credit Union, Lisbon Community Federal Credit Union and Midcoast Federal Credit Union.

READ.

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

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I present to you this Joint Resolution and stand today with gratitude for an admirable effort made on behalf of the Maine Credit Union League in response to the unfortunate closing of Thibeault Energy in Brunswick, across the river from my hometown of Topsham.

Five midcoast credit unions—Atlantic Federal of Brunswick, Freeport and Topsham; Down East Credit Union of Topsham; Five County Credit Union of Bath, Lisbon and Topsham; Lisbon Community Federal Credit Union; and Midcoast Federal Credit Union in Bath and Brunswick—all stepped up to the plate with a generous offer of zero credit check and zero percent interest loans for one year to help those affected by the closure of

Thibeault Energy. It is this kind of community support from our businesses that make our state such a great place to live.

These credit unions stepped up and did the right thing, to help citizens who are left wondering how they were going to get through this unusually hard, cold Maine winter. It is with exceptional gratitude that this Joint Resolution is presented and passed in this 125th legislative session. Thank you.

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

Sent for concurrence.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 15)

ORDERED, that Representative Anne M. Haskell of Portland be excused March 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Louis J. Luchini of Ellsworth be excused March 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susan E. Morissette of Winslow be excused March 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David C. Webster of Freeport be excused March 8 and 10 for health reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Refer to the Committee on Judiciary Pursuant to Statutes

Representative NASS for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"

(H.P. 852) (L.D. 1154)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

Sent for concurrence.

Divided Report

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers"

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

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
NASS of Acton
PARKER of Veazie
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

AYOTTE of Caswell
LONG of Sherman

READ.

Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow the Registration of a Bus as an Antique Vehicle"

(H.P. 17) (L.D. 25)

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland
THOMAS of Somerset

Representatives:

CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARRY of Arundel
RIOUX of Winterport
ROSEN of Bucksport
THERIAULT of Madawaska
WILLETTE of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-11) on same Bill.

Signed:

Representative:

PEOPLES of Westbrook

READ.

On motion of Representative CEBRA of Naples, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Modernize and Reduce the Cost of Driver Education"

(H.P. 178) (L.D. 201)

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
PEOPLES of Westbrook
RIOUX of Winterport
THERIAULT of Madawaska

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-12)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

MAZUREK of Rockland

HOGAN of Old Orchard Beach

WILLETTE of Mapleton

READ.

Representative CEBRA of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report 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. 107) (L.D. 394) Resolve, Directing the Conveyance of Conservation Land in Rockport Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 38) (L.D. 45) Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-19)**

(H.P. 75) (L.D. 89) Bill "An Act Regarding Repeated Animal Trespass" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-17)**

(H.P. 78) (L.D. 92) Resolve, To Name the Summit Trail of Haystack Mountain the Dustin J. Libby Trail Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-18)**

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:

(S.P. 167) (L.D. 575) Bill "An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program" (EMERGENCY)

(H.P. 42) (L.D. 49) Bill "An Act To Allow Storage of Lobster Traps on Docks" (C. "A" H-10)

(H.P. 43) (L.D. 50) Bill "An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel" (C. "A" H-14)

(H.P. 69) (L.D. 81) Bill "An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township" (EMERGENCY) (C. "A" H-15)

(H.P. 151) (L.D. 174) Bill "An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs" (C. "A" H-16)

(H.P. 218) (L.D. 265) Bill "An Act Relating to Motor Vehicle Dealer Licensing Requirements" (C. "A" H-13)

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

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing the Maine Potato Board

(H.P. 34) (L.D. 41)

(C. "A" H-5)

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. 141 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, 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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded"

(H.P. 748) (L.D. 1012)

(Committee on **INSURANCE AND FINANCIAL SERVICES** suggested)

TABLED - March 10, 2011 (Till Later Today) by Representative FITZPATRICK of Houlton.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Reduce Costs for Small Businesses"

(H.P. 764) (L.D. 1030)

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

TABLED - March 10, 2011 (Till Later Today) by Representative PRESCOTT of Topsham.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Encourage Affordable Housing in Municipal Zoning" (H.P. 738) (L.D. 1002)
(Committee on **STATE AND LOCAL GOVERNMENT** suggested)
TABLED - March 10, 2011 (Till Later Today) by Representative KAENRATH of South Portland.
PENDING - **REFERENCE**.

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

Bill "An Act To Expedite the Eviction Process and Lower the Eviction Workload of the Courts" (H.P. 805) (L.D. 1070)
(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)
TABLED - March 15, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Expression of Legislative Sentiment Recognizing Cody Jacques, of Livermore Falls, who has won the 2011 Class C Giant Slalom State Championship (HLS 164)
TABLED - March 15, 2011 (Till Later Today) by Representative KNIGHT of Livermore Falls.
PENDING - **PASSAGE**.

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

SENATE PAPERS

The following Joint Order: (S.P. 355)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 22, 2011, at 10:00 in the morning.
Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of Certain Public Funds (S.P. 345) (L.D. 1145)
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 Regulate the Bonded Indebtedness of the State" (S.P. 353) (L.D. 1153)
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 Provide Equitable Access to Postsecondary Courses"

(S.P. 349) (L.D. 1149)
Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.
REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Conform Maine's Estate Tax to the Federal Estate Tax" (S.P. 347) (L.D. 1147)
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 Improve Vehicle Safety for First Responders" (S.P. 348) (L.D. 1148)
Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.
REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Improve the Administration of the Legislative Ethics Laws" (S.P. 350) (L.D. 1150)
Bill "An Act Regarding Reporting Procedures of Lobbyists" (S.P. 351) (L.D. 1151)
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.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Haskell.
Representative **HASKELL**: Thank you very much, Mr. Speaker. I request unanimous consent of the Ladies and Gentlemen of the House to allow the Speaker to suspend the rule that says that members of this House cannot attend under cover, so that those members of the House who might have a celebratory chapeau might be able to don it during the festivities.
On motion of Representative **HASKELL** of Portland, the rules were suspended for purpose of allowing a member to wear a hat.

SENATE PAPERS

The following Joint Resolution: (S.P. 354)
JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation during the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; 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 encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

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

READ and **ADOPTED** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain, who wishes to address the House on the record.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We are privileged in this body to be a part of many traditions, some of which are created by accident, some of which are created on purpose, some of which die for lack of remembering them and some of which carry on because, despite term limits, many people return to this body and try to maintain both the best, the silliest and the most genuine aspects of our work.

Prior to my service in the Legislature Representative Tom Kane served in this body. He was a beautiful, and still is, a beautiful Irish tenor. On St. Patty's Day, he would often serenade the House with a beautiful version of "Danny Boy." A year or so ago, I was asked to revive this tradition and offer my own version for the House. I have been asked to do it again today, and it is in the spirit of all of those who are Irish and all of those who are Irish for at least today, once a year, that I would like to sing "Danny Boy," an offer to the House.

*Oh Danny boy, the pipes, the pipes are calling
From glen to glen, and down the mountain side
The summer's gone, and all the flowers are dying
'Tis you, 'tis you must go and I must bide.
But come ye back when summer's in the meadow
Or when the valley's hushed and white with snow
'Tis I'll be here in sunshine or in shadow
Oh Danny boy, oh Danny boy, I love you so.*

And when you come and all the flowers are dying

*And I am dead, as dead I well may be
You'll come and find the place where I am lying
And kneel and say an "Ave" there for me.*

*And I shall hear, tho' soft you tread above me
And all my dreams will warm and sweeter be
For you will bend and tell me that you love me
And I shall sleep in peace until you come to me.*

I'll simply sleep in peace until you come to me.
Thank you, Mr. Speaker.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Kathy Crowley Fuller, of Hallowell, on the occasion of her retirement from State service after over 25 years of dedicated service to the Legislature and the people of the State of Maine. Ms. Fuller started working at the Maine State House in August 1985 as Audit and Program Review Committee Clerk. She officially became part of the Office of Fiscal and Program Review in January 1987, where she has been a very valued and committed employee. Her positive attitude and willingness to do whatever was necessary to get the work done have been invaluable to the office and her coworkers. Ms. Fuller has been an inspiration to many at the State House. Her hearty laugh and good spirits, well known to the Office of Fiscal and Program Review and members of the Joint Standing Committee on Appropriations and Financial Affairs, will be greatly missed. Her skills, experience and cheerful disposition will also be much missed by all those with whom she worked. We send our appreciation to Ms. Fuller for her many years of tireless commitment to the Legislature and the State of Maine, and we send our best wishes to her;

(SLS 164)

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. One of the great advantages of living in a district that is quite close to the State House is that many of my constituents work around this building and in state government, and one of them in particular, Kathy Crowley Fuller, who happens to be up in the balcony right now, is just retiring this week and has put in many, many years of dedicated service to the Legislature. Now I have never had the fortune, or perhaps it's the misfortune, to serve on the Appropriations Committee, but I know that the work that has been done by Ms. Crowley Fuller over the years has been exemplary. She has been someone with a great sense of humor who has contributed over and above, whether she was in good health or bad health, making that committee work well, helping out with the financial information that they needed to do their work, and truly making sure that we were able to pass the budgets that we've been able to pass in the years in the past and going forward into the future. I just want to really thank her for all her years of service and for doing it with a smile and for just being such a big part of the Legislature here today, and wish her good luck and hopefully great adventures in the future as she moves on from the Legislature.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is such a pleasure to be able to speak about Kathy this morning. She is an absolute treasure, someone for whom I have the greatest respect. Her work ethic has already been alluded to, but I want to talk about her patience and this wonderful quietness about her, which has been so important to the work that our committee has done over the years. She has had a real calming effect on us and you know I've seen members leave our committee room feeling so frazzled and so upset, and when they start to talk to Kathy, they go into this sort of calm zone around her and their blood pressure immediately goes down. I can't overstate how wonderful this calming effect has been on us over the years, to say nothing of the outstanding that she has done on our behalf. I wish her the very, very best. We will miss her more than she will ever know.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would also be remiss if I didn't say something about Kathy. I had served with her father Nat Crowley back in the '70s and '80s, and I think it is only appropriate of her heritage that we would recognize her on St. Patrick's Day for 25 years of dedicated service. As it says in the order, we will greatly miss her skills, experience and cheerful disposition. So Kathy, thank you for all the work that you've done for us and many great wishes for you in the future.

The **SPEAKER**: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It was my great pleasure to serve on the Appropriations Committee in the 118th, 119th, and 120th Legislatures, and I can honestly say that Kathy Crowley made that experience and those long hours that we sometimes spend there a pleasure. She was a cheerful, upbeat lady and seemed to enjoy every day in that office and made my job a lot easier, and I appreciate it and thank her for her service.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Those of you who speak of her legislative involvement and work with us, actually I have known Kathy since she was a resident of Fort Kent, where her mother and father both were employees of the University of Maine at Fort Kent, and she, of course, was a student in the Fort Kent school system. So I have known her almost her entire life and so I really am pleased to be able to wish her well today and we're going to miss her, obviously, as she leaves the Appropriations Committee. I can point out that one of the things if you look at her hiring career, I actually was involved in her being hired as a member of the Legislature as a clerk in the Audit and Program Review many years ago when we did have that committee. So her work has always been amazing to me and, as the Representative from Lewiston had pointed out, even sometimes I would become grumpy. Some of you have known me long enough to know that. She was always able to make me smile and it was a reward that some people were more than happy that she had that ability, so we certainly want to wish her well today.

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

Representative **CAIN**: Thank you, Mr. Speaker. As former House chair of the Appropriations Committee, I have been privileged and honored to be taken care of by Kathy in the Appropriations Committee room. That committee works so hard

and such long hours. All committees work hard, I'm not saying anything other than that, but the Appropriations Committee requires sometimes sort of special care and feeding. They require a level of emotional support as well as just a simple sometimes asking "How's your day going outside of this committee room?" I can personally say that part of my survival and success, if you would call it, in that committee is directly related to the support I felt every day going into the Office of Fiscal and Program Review and being greeted by Kathy. The Representative from Lewiston, Representative Rotundo, was absolutely right when she said Kathy has a calming nature about her, and it was so fun for me to have Kathy help me as I became a member of that committee and then to have us celebrate with her when she married the love of her life. And when she would celebrate her kids and celebrate her family, you could see Kathy light up. But I know for sure that part of her family includes every member of the Appropriations Committee that ever came through that room, and certainly some of her closest family would be the other staff in the Office of Fiscal and Program Review. I know the Representative from Winthrop, Representative Flood, if he were here today, would join us with words of praise and thanks to Kathy. And so on behalf of him and on behalf of all of us who have benefited from the love and care that Kathy offers so many, I would just say thank you, congratulations, and I look forward to keeping in touch with you over the years. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle, who wishes to address the House on the record.

Representative **TUTTLE**: In honor of St. Patrick's Day, Mr. Speaker, may the Lord have mercy on our soul and may St. Michael's sing along, and may we be dead two hours before the Devil knows we're gone. "Erin go Bragh." Happy St. Patrick's Day.

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

On motion of Representative **PLUMMER** of Windham, the House adjourned at 11:24 a.m., until 10:00 a.m., Tuesday, March 22, 2011 pursuant to the Joint Order (S.P. 355).