

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

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
31st Legislative Day
Wednesday, April 6, 2011

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

Prayer by the Honorable Frederick L. Wintle, Garland.
Pledge of Allegiance.
Doctor of the day, Kathleen Schwarz, M.D., Brunswick.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 124)

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

April 1, 2011

The 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 Cathy A. DeMerchant of Vassalboro for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 125)

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

April 1, 2011

The 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 Jeffrey C. Lewis of Ellsworth for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 126)

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

April 1, 2011

The 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 Lila S. Ware of Skowhegan for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 127)

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

April 1, 2011

The 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 Lance S. Wheaton of Forrest City Township for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills 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:

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Improve the Coordination of State and County Correctional Services"

(H.P. 1045) (L.D. 1419)

Sponsored by Representative PLUMMER of Windham.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BURNS of Whiting, DION of Portland, MARTIN of Eagle Lake, PICCHIOTTI of Fairfield, RIOUX of Winterport, WILLETTE of Presque Isle, Senator: THIBODEAU of Waldo.

Bill "An Act To Amend the Laws Governing Disorderly Conduct"

(H.P. 1046) (L.D. 1423)

Sponsored by Representative HOGAN of Old Orchard Beach.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Enhance Parental Roles in Education Choice"

(H.P. 1047) (L.D. 1424)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Senator MASON of Androscoggin and Representatives: NEWENDYKE of Litchfield, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough.

Bill "An Act To Protect the Quality and Integrity of Maine's Educational Materials"

(H.P. 1048) (L.D. 1425)

Sponsored by Representative EVES of North Berwick.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Facilitate Transparency and Accountability while Reducing Electricity Costs"

(H.P. 1037) (L.D. 1411)

Sponsored by Representative FOSSEL of Alna.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Promote the Proper Disposal of Used Medical Sharps"

(H.P. 1038) (L.D. 1412)

Sponsored by Representative INNES of Yarmouth.

Cosponsored by Representatives: CHIPMAN of Portland, DUCHESNE of Hudson, RUSSELL of Portland, SANBORN of Gorham.

Bill "An Act To Exempt Wine Bottles from Maine's Container Redemption System"

(H.P. 1043) (L.D. 1417)

Sponsored by Representative FITTS of Pittsfield.

Cosponsored by Senator: PLOWMAN of Penobscot.

Bill "An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions" (EMERGENCY)

(H.P. 1041) (L.D. 1415)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: DAVIS of Sangerville, TURNER of Burlington.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

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

Bill "An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code"

(H.P. 1042) (L.D. 1416)

Sponsored by Representative MCKANE of Newcastle.

Cosponsored by Representatives: HAMPER of Oxford, MALABY of Hancock, Senator THIBODEAU of Waldo and Representatives: COTTA of China, CURTIS of Madison, FITTS of Pittsfield, HARVELL of Farmington, Senators: PLOWMAN of Penobscot, ROSEN of Hancock, THOMAS of Somerset.

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

On motion of Representative PRESCOTT of Topsham, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

MARINE RESOURCES

Bill "An Act Concerning the Labeling of Maine Shellfish Products"

(H.P. 1035) (L.D. 1409)

Sponsored by Representative TILTON of Harrington.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: DOW of Waldoboro, McCLELLAN of Raymond, MCKANE of Newcastle, PARKER of Veazie, Senator: RECTOR of Knox.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Maine Administrative Procedure Act"

(H.P. 1036) (L.D. 1410)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Representatives: DUCHESNE of Hudson, FITTS of Pittsfield, MCKANE of Newcastle, Senators: COURTNEY of York, RECTOR of Knox.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative MCKANE of Newcastle, the Bill was **REFERRED** to the Joint Select Committee on **REGULATORY FAIRNESS AND REFORM**, ordered printed and sent for concurrence.

TAXATION

Bill "An Act To Provide Property Tax Relief for Year-round Residents 67 Years of Age or Older"

(H.P. 1040) (L.D. 1414)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BRIGGS of Mexico, GRAHAM of North Yarmouth, HINCK of Portland, JOHNSON of Greenville, O'BRIEN of Lincolnville, ROCHELO of Biddeford, TUTTLE of Sanford.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011"

(H.P. 1044) (L.D. 1418)

Sponsored by Representative DAMON of Bangor.

Cosponsored by Senator FARNHAM of Penobscot and Representatives: FOSTER of Augusta, GOODE of Bangor, PARKER of Veazie, RICHARDSON of Warren, RIOUX of Winterport, STEVENS of Bangor, WINTLE of Garland, WOOD of Sabattus.

Pursuant to Statute

Criminal Law Advisory Commission

Representative PLUMMER for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Amend the Maine Juvenile Code To Address the Issue of Competency"

(H.P. 1039) (L.D. 1413)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

CELLI of Brewer
GRAHAM of North Yarmouth

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

READ.

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

ORDERS

On motion of Representative HASKELL of Portland, the following Joint Order: (H.P. 1049) (Cosponsored by Senator GERZOFKY of Cumberland and Representative: PLUMMER of Windham, Senator: MASON of Androscoggin)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 319 to read:

Rule 319. Review of provisions creating or enhancing criminal penalties.

Whenever a legislative proposal in a resolve or bill, including a budget bill, enacts a new crime or increases the penalty for an existing crime, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to review and evaluate the proposal for its impact on the criminal justice system. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct the review and report back to the joint standing committee of jurisdiction and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Joint Select Committee on **JOINT RULES** suggested.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-72)** on Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers" (H.P. 52) (L.D. 59)

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebunk

BERRY of Bowdoinham

BICKFORD of Auburn

BRYANT of Windham

FLEMINGS of Bar Harbor

PILON of Saco

WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BURNS of Alfred

HARMON of Palermo

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-72)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 7, 2011.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding the Official State Seal"

(H.P. 73) (L.D. 87)

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

SULLIVAN of York

Representatives:

BOLAND of Sanford

BOLDUC of Auburn

CASAVANT of Biddeford

GILLWAY of Searsport

HARVELL of Farmington

KAENRATH of South Portland

MOULTON of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)** on same Bill.

Signed:

Representatives:

COTTA of China

CONSENT CALENDAR

First Day

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

(S.P. 18) (L.D. 3) Bill "An Act To Clarify Joint Tenancy Reinstatement" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-22)**

(H.P. 278) (L.D. 352) Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-74)**

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. 67) (L.D. 216) Resolve, To Prohibit Smokers from Receiving MaineCare Benefits (C. "A" S-17)

(S.P. 128) (L.D. 424) Bill "An Act To Revise the Laws Governing the Licensure of Public Water System Operators" (C. "A" S-18)

(H.P. 560) (L.D. 753) Bill "An Act To Establish Juneteenth Independence Day"

(H.P. 111) (L.D. 129) Bill "An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists" (C. "A" H-68)

(H.P. 205) (L.D. 252) Bill "An Act To Amend the Laws Governing Aquatic Nuisance Species" (C. "A" H-66)

(H.P. 206) (L.D. 253) Resolve, To Establish a Single Construction Permit for Aboveground Oil Storage Tanks in Gravel Pits and Quarries (C. "A" H-67)

(H.P. 244) (L.D. 302) Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish" (C. "A" H-69)

(H.P. 313) (L.D. 387) Bill "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems" (C. "A" H-65)

(H.P. 329) (L.D. 411) Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) (C. "A" H-61)

(H.P. 437) (L.D. 554) Bill "An Act To Amend the Telecommunications Education Access Fund" (C. "A" H-63)

(H.P. 455) (L.D. 625) Bill "An Act To Amend the Law Pertaining to Loaner Registration Plates" (C. "A" H-71)

(H.P. 480) (L.D. 650) Bill "An Act To Create an Apprentice Trapper License" (C. "A" H-70)

(H.P. 541) (L.D. 710) Bill "An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security" (C. "A" H-64)

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

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges"

(H.P. 238) (L.D. 294)
(C. "A" H-54)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State

(H.P. 141) (L.D. 164)
(H. "A" H-44 to C. "A" H-35)

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. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 87) (L.D. 105)
(C. "A" H-50)

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. 140 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 Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 330) (L.D. 412)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

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

Acts

An Act To Include Independent Practice Dental Hygienists in MaineCare

(H.P. 58) (L.D. 70)
(C. "A" H-49)

An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians

(H.P. 154) (L.D. 177)
(C. "A" H-46)

An Act To Modify Child Support Enforcement Procedures

(H.P. 179) (L.D. 202)
(C. "A" H-45)

An Act Concerning Models for Teacher and Principal Evaluations

(H.P. 317) (L.D. 391)
(C. "A" H-52)

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

(H.P. 336) (L.D. 443)
(C. "A" H-51)

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

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

SENATE PAPERS

Bill "An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals"

(S.P. 434) (L.D. 1406)

Bill "An Act To Establish the Maine Wild Mushroom Harvesting Certification Program"

(S.P. 436) (L.D. 1407)

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 Amend Water Quality Standards for Fish Hatcheries" (EMERGENCY)

(S.P. 435) (L.D. 1408)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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

On motion of Representative MCKANE of Newcastle, the House adjourned at 10:43 a.m., until 10:00 a.m., Thursday, April 7, 2011.