

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
 32nd Legislative Day
 Thursday, April 7, 2011

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

Prayer by Reverend David W. Fox, Veazie Congregational Church.

Pledge of Allegiance.

Doctor of the day, William Atlee, M.D., Augusta.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Reduce the Cost of Delivery of State and County Correctional Services"

(S.P. 438) (L.D. 1421)

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 Prepare Maine People for the Future Economy"

(S.P. 439) (L.D. 1422)

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 Modify the Laws Regarding Status as an Independent Contractor"

(S.P. 437) (L.D. 1420)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 128)

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

April 7, 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. 330 An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements

Criminal Justice and Public Safety

L.D. 639 An Act To Protect Medical Care Providers and Hospital Staff

Education and Cultural Affairs

L.D. 306 Resolve, Directing the Office of Program Evaluation and Government Accountability To Make Recommendations To Find Efficiencies in Per-pupil Costs Associated with Interscholastic Activities

Energy, Utilities and Technology

L.D. 493 An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way

L.D. 1028 An Act To Ensure Open and Transparent Bidding for the Lowest Electric

Inland Fisheries and Wildlife

L.D. 94 An Act Regarding the Moose Lottery

L.D. 163 An Act To Auction Off Moose Permits to Hunting Lodges

L.D. 289 An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees

L.D. 709 An Act To Adjust the Rules Governing Subcommittees on Moose Hunting Permits

Judiciary

L.D. 58 An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act

L.D. 165 An Act To Require Divorce Actions To Go to Mediation

L.D. 317 An Act To Improve Efficiency and Compliance within the Judicial System

L.D. 526 An Act To Protect Persons Who Have Buildings on Leased Land

L.D. 791 An Act Regarding the Construction of New Court Facilities

Labor, Commerce, Research and Economic Development

L.D. 465 An Act To Provide Efficient Delivery of Economic Development Services

L.D. 751 Resolve, To Examine State Programs That Grant Funds To Improve Real Property and To Establish a Formula for Recouping Certain Funds

L.D. 799 An Act To Provide Capital for Economic Development in Aroostook County

L.D. 947 An Act To Encourage Professionals To Move to the State

State and Local Government

L.D. 72 An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings

L.D. 601 An Act To Set Aside One Percent of Committed State Funds for Food Projects

Taxation

L.D. 176 An Act Regarding Sales and Use Tax Audit Procedures and Enforcement

L.D. 195 An Act To Provide Relief from Estate Tax Valuation Requirements for Surviving Spouses

L.D. 490 An Act To Exempt the Value of Family Farms from the Estate Tax

Transportation

L.D. 1032 Resolve, To Require the Department of Transportation To Improve a Portion of U.S. Route 1

Veterans and Legal Affairs

L.D. 74 An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet
L.D. 901 An Act To Prohibit Individuals under 21 Years of Age from Being in Certain Establishments Licensed To Sell Alcohol

The sponsors and cosponsors have been notified of the Committee's action.

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

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

The Following Communication: (S.C. 224)

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

April 5, 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 nomination:

Upon the recommendation of the Committee on Energy, Utilities and Technology, the nomination of Thomas L. Welch of Hancock for appointment to the Public Utilities Commission.

Sincerely,
S/Bonnie S. Gould
Assistant Secretary of the Senate

READ and **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:

EDUCATION AND CULTURAL AFFAIRS

Resolve, To Conduct a Review of the Roles and Functions of the Department of Education and of Certain Mandates (EMERGENCY)

(H.P. 1051) (L.D. 1430)

Sponsored by Representative GOODE of Bangor.
Cosponsored by Senator FARNHAM of Penobscot.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Provide for the Recycling or Proper Disposal of Architectural Paint"

(H.P. 1054) (L.D. 1433)

Sponsored by Representative INNES of Yarmouth.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CHIPMAN of Portland, DUCHESNE of Hudson, RUSSELL of Portland.

Bill "An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program" (EMERGENCY)

(H.P. 1055) (L.D. 1434)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator SAVIELLO of Franklin and Representative: DUCHESNE of Hudson, Senator: GOODALL of Sagadahoc.

HEALTH AND HUMAN SERVICES

Bill "An Act To Amend the Laws Governing Prescription Monitoring Information"

(H.P. 1050) (L.D. 1429)

Sponsored by Representative MARTIN of Eagle Lake.
Cosponsored by Representative: Speaker NUTTING of Oakland.
Bill "An Act To Establish Standards for the Administration of General Assistance Programs"

(H.P. 1052) (L.D. 1431)

Sponsored by Representative STUCKEY of Portland.
Cosponsored by Senator JACKSON of Aroostook and Representatives: FREDETTE of Newport, MacDONALD of Boothbay, ROTUNDO of Lewiston, Senators: ALFOND of Cumberland, FARNHAM of Penobscot.

Bill "An Act To Adopt the Interstate Prescription Monitoring Program Compact"

(H.P. 1056) (L.D. 1435)

Sponsored by Representative MARTIN of Eagle Lake.
Cosponsored by Representative: Speaker NUTTING of Oakland.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Reform Maine's Health Insurance Laws"

(H.P. 1057) (L.D. 1436)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Representative CROCKETT of Bethel, Senator SNOWE-MELLO of Androscoggin, Senator WHITTEMORE of Somerset and Representatives: CUSHING of Hampden, FITZPATRICK of Houlton, MORISSETTE of Winslow, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, RICHARDSON of Warren, SIROCKI of Scarborough, Senator: COURTNEY of York.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives"

(H.P. 1053) (L.D. 1432)

Sponsored by Representative STUCKEY of Portland.
Cosponsored by Representative MARTIN of Eagle Lake, Senator ALFOND of Cumberland and Representatives: FLEMINGS of Bar Harbor, GILBERT of Jay, HERBIG of Belfast, TUTTLE of Sanford, Senators: JACKSON of Aroostook, PATRICK of Oxford.

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 18)

ORDERED, that Representative Sheryl J. Briggs of Mexico be excused March 23 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donald E. Pilon of Saco be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Megan M. Rochelo of Biddeford be excused March 30 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Mountain Valley High School Wrestling Team, of Rumford, which has won the 2011 Class B State Championship. We send our congratulations and best wishes to the members of the team on this achievement;

(HLS 201)

Presented by Representative PETERSON of Rumford.

Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mount Valley wrestling is another star program in the River Valley tradition of hard work, dedication and the pursuit of excellence. The Falcons won the Class B State meet in February by producing five individual champions in Ryan Burgess, a three-time state champion who finished his season with 150 – and, yes, you heard that correctly – 150 career wins. Josh Thornton, a repeat state champion who we honored in this body last year, Josh Allen, Christian Durland, and Ryan Glover. But it was depth of the Falcon's wrestling team at all the weight classes that took them to a state championship this year, and that is what makes their program so exceptional.

Coach Gary Dolloff retired after this season. He was my coach; he was my brother's coach. I don't think he could have gone out on a higher note or with a more impressive team. Congratulations to Gary Dolloff, Coach Gilbert and the Falcon wrestlers. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In case you haven't noticed, today is Mountain Valley day in the House of Representatives. There's no question Mountain Valley was on a mission and the Falcons had no problem dominating in the Class B state wrestling championship at the Augusta Civic Center.

According to staff writer Bob McPhee of the *Sun Journal*:

Mountain Valley has relied on its superior depth throughout the season and it paid off by scoring 168 1/2 points to easily win the team crown over Camden Hills, which scored 141 points.

Mountain Valley produced the most champions, including Ryan Burgess, Josh Thornton, Josh Allen, Christian Durland and Ryan Glover. Cody Magoon and Taylor Carey were finalists. Belfast and Fryeburg Academy rounded out the top four.

"Kids came to wrestle today," said Mountain Valley assistant coach Joe Thornton. "They are going with a bang and we had some big wins. I think our seven wins in the semifinals put us too far up. Nicole Burgess is the first girl wrestler to have ever placed for us."

Mountain Valley scored 110 points in the semifinals to lead Camden Hills 129-76 and by 20 entering the finals. Mountain Valley was co-state champions with Camden in 1995 and outright champions in 1996.

Burgess earned a hard-fought 6-3 decision against Colin Sevigny of Wells. The Falcon senior trailed 3-2 entering the third period, but executed a reversal and near fall. Burgess had won an 8-6 overtime decision against Sevigny in the regional final.

Each state champion automatically qualified for the New England championships.

"It was between Camden and us coming in," said Josh Thornton. "But the team was confident. We have seniors who are hungrier and we advanced more in semifinals."

Thornton defended his state crown with a 7-2 decision by controlling his opponent of Fryeburg. Glover won 3-0 against his opponent of Morse. Glover decided 3-2 in overtime.

Durland shot in for a takedown with four seconds left for a 6-4 decision over eastern No. 1 opponent of Camden Hills. The Falcon senior fell behind, but maintained his focus.

"I had a couple tough matches before," Durland said. "I knew my opponent would be tough. They judge you on how you do at end of season besides a wrestling state title (Burgess, Allen, Glover) and I won wrestling and football team championships so I feel blessed."

"I've been ready for this since I woke up at five," said Allen, whose late father Mark placed third in the 1975 state meet for Mexico. "We want to get it done for Coach Dolloff. But you still need to wrestle each match because anything can happen."

The Falcons earned valuable points in the consolations. Joe Provencher had two come-from-behind wins and placed third.

Congratulations to the Mountain Valley Wrestling Team State Champions 2011. Job well done.

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

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.

Expression of Legislative Sentiment Recognizing the Mountain Valley High School Falcons Football Team

(HLS 1)

TABLED - December 17, 2010 (Till Later Today) by Representative PETERSON of Rumford.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you again, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Clearly we are in the presence of some elite Maine high school athletes and outstanding football and wrestling programs today. I am honored to be able to recognize a dynasty, which my good friend and colleague, the good Representative from Cape Elizabeth, could attest to, and in the Mountain Valley High School Football Team who won another Class B state championship this past fall, their fourth in the last seven years, by shutting out the Leavitt Hornets to cap off a perfect undefeated season. The Falcons shut out eight of their 12 opponents last fall and surrendered only 30 points all season, a tremendous feat by any standard.

From top to bottom this team was full of talent, whether it was standout scholar athlete and Fitzpatrick Trophy finalist Cam Kaubris, a quarterback, whose father is with us today as well, running backs John Allen, Taylor Bradley or Tyler Mason, or one of the best linemen in the state of Maine this year, Christian

Durland, who we will recognize in just a bit, this team was truly something special.

But talent aside, the 2010 Falcon Football Team played with passion for another reason, in honor and memory of their faithful fallen teammate Danny Garneau, who passed away from leukemia last April. Ladies and Gentlemen, this just wasn't a winning team. This was a winning team with purpose. To all the guys and their coaching staff – Coach Aylward, Coach Lapointe, Coach White and Coach Garneau – congratulations and best of luck in 2011. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to also congratulate the Mountain Valley Falcons Football Team Class B State Champions shutting out the Leavitt Hornets 20-0 on November 20, 2010.

In the championship game, this was the Falcons' 12th victory of their perfect season and it was also their eighth shutout. They surrendered 30 points all year, which is exactly what Leavitt's average margin of victory had been going into the championship game. This was Mountain Valley's fourth Class B state championship in the last seven years before an estimated crowd of 3,500 at Fitzpatrick Stadium in Portland.

They've had an astounding journey over this past year. As many of us know, the team experienced many highs and some lows and have shed many tears. After losing their classmate and dear friend Dan Garneau to leukemia last year, this football team never looked back. Everything they did, they did for Dan. Every tackle was for Dan. Every pass was for Dan. Every touchdown was for Dan. You could see it in the player's faces, you could hear it in their voices, you could see it in their actions.

I have never seen a team so driven. Dan's presence was known and felt at every game. I understand it was Dan's wish to make it to the state championship game his senior year. Well, Dan, your dream has come true for you and your teammates. Your teammates carried you through, along with your jersey, to every game, right to the end, to that state championship game. And you won. You all won. You are all winners. You can now rest in peace.

The Mountain Valley Football Team has been coached by the best coach in the state and that is Coach Aylward. Coach Aylward has been accompanied by his many excellent assistant coaches, including Dan Garneau's dad, Jeffrey Garneau. Jeff was right there with the team the entire year. This was an extraordinary healing process for Jeff, his entire family, and the entire team. They were all there for each other, supported each other through their highs and lows. It was just an incredible journey for the entire team, coaches, and the fans of the Mountain Valley Falcons Football Team. Congratulations. Job well done. Go Falcons. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On behalf of the Cape Elizabeth Football Team, I would just like to offer my heartfelt sympathy to the family of Dan Garneau and my congratulations to the Falcons. We'll see you next year.

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

Expression of Legislative Sentiment Recognizing John Christian Durland, of Rumford

(HLS 2)

TABLED - December 17, 2010 (Till Later Today) by Representative PETERSON of Rumford.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate your indulgence today. It is a real honor to recognize Christian Durland. He is an impressive young leader to say the very least. Not only was he the Campbell Conference Player of the Year, an award that is extremely difficult to win as a lineman, he was also the runner up for the Inaugural Gaziano Award, set to be awarded every year to the best Maine high school lineman.

Not only a phenomenal lineman, Christian was also a state champion wrestler this year, winning his finals match with a takedown with only one single second left in the match. I was there and, believe me, it was even more exciting than it sounds, and that's saying something.

But beyond his accomplishments as an athlete, Christian is a tireless laborer, often working in the 5 and 6 am hours before school for his family business and a high achieving student in the classroom. He is one of the most humble, earnest, genuine guys I have ever met.

I know he is going to go on to accomplish even more great things in his life, and it is an honor and a privilege to be able to recognize him and the rest of his teammates today. And Mr. Speaker, I hope today answers any questions that might have remained as to who in this body represents the toughest high school student athletes in the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. I, too, just wish to rise and congratulate Christian Durland on his amazing accomplishments and wish him the best in his future endeavors. Congratulations, Christian. Thank you, Mr. Speaker.

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

Expression of Legislative Sentiment Recognizing Robert Joseph "Bob" McPhee, of Dixfield

(HLS 123)

TABLED - March 1, 2011 (Till Later Today) by Representative BRIGGS of Mexico.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my privilege and honor to recognize a very dear friend, Bob McPhee of Dixfield. I have personally known Bob for the past three years. Since then, we have been communicating mostly through email, but we catch up with each other every now and then on the playing fields or on the basketball courts.

Bob's career in journalism has been extremely rewarding for him as he has received several awards throughout a productive journalism career. They include: In 1996, he received the "National" State Editor Of The Year by Wrestling U.S.A. Magazine; in 1997, he received the Media Award for Writer of The Year by the Maine Interscholastic Athletic Administrators Association; in 1998, he received the Media Award from the Maine Field Hockey Association; in 2000, he was inducted into the Maine Amateur Wrestling Hall of Fame for writer/wrestling career; in 2004, he was inducted into the Maine Sports Hall of

Fame special achievement; in 2009, he was inducted into the Maine Baseball Hall of Fame

And today I stand before you to honor Bob as he has been awarded the Medal of Courage from the National Wrestling Hall of Fame and Museum. He is also the first-ever recipient of this honor from the New England area. The Hall of Fame awards the Medal of Courage to a wrestler who has overcome insurmountable challenges.

You see, Bob has spent most of his life confined to a wheelchair and unable to speak. He uses a device known as the ECO2 to communicate and conduct interviews while covering sports.

According to an article in the Rumford Falls Times, Bob was asked what the award meant to him. Bob said "Totally unbelievable. It's quite an honor and very unexpected, especially for a kid who grew up in Peru, Maine. The thought of being recognized nationally was something that wasn't on the radar."

"Regarding the Medal of Courage, to me, courage means going above and beyond the normal or doing something extra in the face of adversity. Personally, I really do not feel that I've achieved any of it. I have just tried to live life in the best possible way. I've just had to learn to be patient and adapt to various situations because "It Could Be Worse."

Bob was referring to his second book that chronicles his life and career in a book titled "It Could Be Worse; The Rest of the Story." This book has been published by USA Wrestling of Colorado Springs and was released last summer. The writings continue with details of the hospital emergency room, a life-saving operation and a coma lasting 17 days.

The book contains events, beginning three weeks prior to Bob's life-changing event, and I do have the book here on my desk if anybody would like to review it at your convenience.

Ted Reese, a long-time college and high school wrestling coach who is Bob's friend and mentor, nominated him for this medal. Reese got to know Bob on August 14, 1976 when he was a coach on a Maine wrestling team that included Bob. The team competed against an Austrian team in an international meet held in Maine. A highlight of that competition came when Bob pinned the European champion in 21 seconds and was named the meet's outstanding wrestler. Three weeks later, on September 4, 1976, Bob, being a senior at Rumford High School, suffered an injury to his brain stem in a fatal football collision during his first football scrimmage of the season. He emerged from a 17-day coma unable to walk or talk and with limited mobility in his upper body.

During nearly three years of rehabilitation, Bob was advised to move out of state, in order to receive a college education. He ignored these words, eventually enrolling in a Maine college. He transferred to the University of Maine in 1981, and graduated in 1984 with a B.A. in Journalism.

After graduation, Bob eventually relocated back to western Maine in 1987, and has been employed as a sports writer with the Lewiston *Sun Journal* to this day. He has also been a sports correspondent for the Rumford Falls Times since 1997. He is also an online journalist for the Maine Wrestling Alliance.

Bob is well-respected both professionally and personally. The student athletes from Mountain Valley High School and Dirigo High School, which he reports on, also have the utmost respect for Bob. How fitting for Bob to be recognized here today along with two of these teams he has so passionately followed and written about through the years, our Mountain Valley Football Team Class B State Champions and Wrestling Team.

I will end with a final quote from Bob's autobiography *It Could Be Worse; The Rest of the Story*. Bob's words are as follows:

I certainly don't have all the answers. Neither does anyone else. There are always questions regarding our existence. So how are we supposed to conduct our lives? There are plenty of things we can do. Whatever we choose to do, we should commit to it 100%; there should be no half-hearted attempts. Yes, there will be disappointments and hardships, but one must go forward--each day. It's important to attempt to experience as much as possible. I'm no different in that respect. Although I have some physical limitations, I have refused to retreat to an inactive, passive life. As such, I have been fortunate to experience many things. There will always be new opportunities. No one can predict with complete certainty what will happen in the future. It's extremely important to try new things. Everyone doesn't automatically receive a second chance. Always remember, *It could be worse...*

Congratulations Bob. You are truly an inspiration to all. Thank you, Mr. Speaker.

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 be remiss if I didn't speak on Bob's behalf. As the good Representative from Mexico has said, his life and his experiences in life are very admirable and inspirational.

I have known Bob for about 20 years as a great journalist. He is also a member of the Maine Wrestling Hall of Fame, as I am, and to be elected to the National Wrestling Hall of Fame and the Medal of Courage, it is really well deserved and something that should have been done a long time ago. He does a great honor to our state, the town of Rumford. I think he remembers back the initial time in wrestling, during the '60s and early '70s, when wrestling was established in the state and we probably had to wrestle most of our matches out of the state. I was fortunate to be one of the members, I think the only team, to take the New England in 1967. So Bob, from one wrestler to another, congratulations and keep up the good work.

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

REPORTS OF COMMITTEE

Change of Committee

Representative PLUMMER from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis"

(H.P. 620) (L.D. 824)

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

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

Sent for concurrence.

Representative COTTA from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"

(H.P. 812) (L.D. 1077)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**. Sent for concurrence.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)** on Bill "An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement"

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-21)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)**.

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-25)** on Bill "An Act To Allow Farm Wineries To Charge for Wine Tastings"

(S.P. 17) (L.D. 2)

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor

JOHNSON of Eddington
WILLETTE of Presque Isle

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-25)**.

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act Regarding the Determination of Distance for the Purposes of the Gambling Control Board Laws"

(S.P. 208) (L.D. 677)

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
WILLETTE of Presque Isle

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

Signed:

Representative:

VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass** Report.

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak in favor of the bill on the floor to make a change to the citizen initiative that was passed by the voters to allow a casino in Oxford County.

The drafters of the petition language, Black Bear Entertainment and their attorneys, wrote that a license may not be issued to operate any casino or slot machine facility within 100 miles of a licensed casino or slot machine facility. The controversy came when measuring 100 miles. Was it a radius "as the crow flies" or was it over the most traveled road? If it was a radius, then it would not be within the 100 miles from Hollywood Slots and therefore according to the language they had drafted, it could not be built on the land they had selected.

Black Bear went before the Gambling Control Board for a clarification and the Board agreed that 100 miles was based on road miles. But a ruling from the Board does not change the law, and unless we, the Legislature, change the law, the 100 mile interpretation by the Gambling Control Board could be challenged in a court of law.

I have always believed that the Legislature has a right to change the language in the citizen's petition, since the language is written by non-legislators and is not vetted in public hearings and work sessions where language could be changed before being sent to the voters.

I believe that the citizens vote for the question posed to them on the ballot, not on each line of the language in the bill. Therefore, I am more than happy to help the drafters of this language and honor their request to change the language in the enacted law. I support LD 677.

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 12, 2011.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Add Transit Services to the Growth Management Program Comprehensive Plan"

(H.P. 474) (L.D. 644)

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford

BOLDUC of Auburn

CASAVANT of Biddeford

GRAHAM of North Yarmouth

HARVELL of Farmington

MOULTON of York

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

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

COTTA of China

CELLI of Brewer

TURNER of Burlington

READ.

Representative COTTA of China moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative COTTA: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill was first presented it seemed rather simple in just including a transit study. As the testimony before the committee continued, it became clear that while it did not have a state fiscal note it was a mandate and did impose costs on the towns.

So to state, once again, there was no fiscal note associated with it, which you will notice when you check online, but because of the reason it was a mandate on the towns incurring the costs and these same towns could, should they choose, conduct a transit study as part of that comprehensive plan and thereby voluntarily incur those costs. That is why I voted on this report **Ought Not to Pass** and it is also, I'll point out, the Minority Report. Thank you very much.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative BOLAND: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to point out that these two words do not make any real change to what is currently adopted in comprehensive plans because the rule currently says that it is required to consider transit services in the inventory of items that a town needs to consider, not to impose but just to consider and analyze. There are a number of items having to do with economics and marine-related resources, environmental issues and all of that. But it would, presently the statute says existing transportation systems including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities, so there is a number of things there. This bill just inserts two words, transit services, which are actually also already in the rule from the State Planning Office.

I wanted just to note that one of the outfits that testified in favor of this is the Maine Transit Association and this is, briefly, from what they said: adding the words transit services to the list of existing transportation systems that must be inventoried and analyzed should not add significant work to the comprehensive planning process. This statute already contains a healthy checklist of items to be considered. Adding transit services will ensure communities, regardless of size and location in this state, find out whether or not transit services are available. Many communities will be surprised to learn that transit services are available and they might decide to include public transit in their local plans, but nothing requires any towns to do anything with it but just consider that that's an option.

And other regional planning associations/commissions came before us in support of this bill, also, and alluded to issues like the high cost of gasoline, developers perhaps needing to provide fewer parking spaces, and the aging population needing transportation. So I thank Representative Cotta for bringing this bill and I would like to note that the majority is a bipartisan majority on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with pleasure that I rise to join the Representative from Sanford in favor of the Majority Report in opposition to the Minority Report. Without repeating any of the comments the good Representative has already given to the body, I would like to add the following few remarks.

I have worked with towns with respect to comprehensive planning and there are a whole host of things that the towns must and should consider in drawing up ideas and the implementation of those ideas for where they should be, not only today but in the future. In the challenges that we have in our communities of keeping our resident population employed, educated and with transportation to and from their jobs, one of the aspects of that which we have neglected to some degree is that of transit services. I do not think that it is a large burden for many of our communities to consider it.

Obviously there are many places, such as our friends and fellow residents from Washington County or Aroostook County, that don't really have this consideration as much as the people from York County, where I grew up and reside, and I think that these folks who indicate to the planning boards of those communities and to the communities themselves as they gather to work on comprehensive planning, that they do consider this and try to make ways in which they can help their people. After all, in York County, we have the group in Sanford that provides some transit services. We have similar groups in Biddeford, South Portland and elsewhere that are trying to find ways of helping people get about without relying on the personal automobile. So I promised to be brief, which as usual I am not, for which I beg your indulgence, but I do not think that this is a bad measure. I do not think that this taxes our municipalities unfairly so as to require a mandate, and I would encourage people to vote against the minority committee vote and allow this bill to go through. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Knapp.

Representative **KNAPP**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **KNAPP**: I heard the good Representative from Sanford use the words inventory and analysis. I was wondering is there a cost for each municipality to do that study? Thank you.

The **SPEAKER**: The Representative from Gorham, Representative Knapp, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. As part of the conference of planning process, it is common for communities to have to gather information from a whole variety of barriers. The list is rather extensive at this point. Things like wetlands, water conservation, streets, education, to a lesser extent some do look at jobs. Perhaps not enough, but there is an extensive list.

There is a cost associated with that. Some communities elect to do it on their own without the benefit of paid consultants and they are more or less free to do so, and to some extent, the State Planning Office historically has given grants to assist with the funding, although those are limited, and the State Planning Office also lent assistance as well as regional planning commissions to provide those very types of statistics that sometimes can be expensive for the communities.

I think in direct answer to the Representative's question, I do not believe that this would be a specific study but would be done

with conjunction with anything for which they may pay a consultant, and, for that reason, I think that it is not a separate expense, although the community may choose to do so. It is pretty much left up to the community to decide how it undertakes those studies. Thank you, Mr. Speaker.

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

Representative **BOLAND**: I think Representative Moulton has answered the question, and I would also add that no town is required to do a comprehensive plan in the first place.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 16

YEA - Ayotte, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill C, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Beaudoin, Prescott, Volk.

Yes, 74; No, 74; Absent, 3; Excused, 0.

74 having voted in the affirmative and 74 voted in the negative, with 3 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, the Majority **Ought to Pass Report was ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 12, 2011.

CONSENT CALENDAR

First Day

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

(S.P. 39) (L.D. 65) Resolve, To Require Dementia Care Training in Long-term Care Facilities, Adult Day Care Programs, Certain Residential Care Facilities and Supported Living Arrangements Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 71) (L.D. 220) Bill "An Act Relating to Maine Farm Wineries" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-23)**

(H.P. 211) (L.D. 258) Bill "An Act Relating to Access to Vital Records" Committee on **HEALTH AND HUMAN SERVICES**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-77)**

(H.P. 325) (L.D. 407) Bill "An Act To Require Clarification of the Dig Safe Standards" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-78)**

(H.P. 412) (L.D. 529) Bill "An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-79)**

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. 18) (L.D. 3) Bill "An Act To Clarify Joint Tenancy Reinstatement" (C. "A" S-22)

(H.P. 278) (L.D. 352) Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY) (C. "A" H-74)

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

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers"

(H.P. 52) (L.D. 59)
(C. "A" H-72)

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
Acts**

An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday

(H.P. 81) (L.D. 95)

An Act To Revise the Laws Governing the Licensure of Public Water System Operators

(S.P. 128) (L.D. 424)
(C. "A" S-18)

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.

Resolves

Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits

(S.P. 67) (L.D. 216)
(C. "A" S-17)

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

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

UNFINISHED BUSINESS

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

Joint Order To Establish a Nurse of the Day Program

(H.P. 600)

TABLED - March 3, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE**.

Subsequently, on motion of Representative CURTIS of Madison, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

Expression of Legislative Sentiment in Memory of the Honorable George H. Bunker, Jr., of Kossuth Township

(SLS 166)

- In Senate, **READ and ADOPTED**.

TABLED - March 30, 2011 (Till Later Today) by Representative BURNS of Whiting.

PENDING - **ADOPTION**.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for giving me this opportunity to just say a few brief short words about my friend George Bunker. George Bunker was a good man and he very eloquently served our country in the U.S. Navy. He served my county as a deputy sheriff and he served this state in the House of Representatives for four terms, and I think the good Representative from Sanford is going to be speak to that issue a little bit. But I wanted to speak to you about how I knew George, Deputy Bunker.

I first met him back in the late '80s when he was a patrol deputy in Washington County, as I was serving in the State Police in the same area, and I came to know George as a very bright man, a very outspoken man. We had a lot of lively and spirited debates and some of them had to do with turf battles that I am sure the good Representative from Portland, Sherriff Dion, understands, but they were all in good spirits. We really enjoyed working together. But I want to mention one particular incident that stands out to me that I remember that just shows what a gentlemen George Bunker was.

There was a fatality on Route 9, right after he came to work in that area, and it was one of my first responsibilities as a new supervisor to go to that scene and supervise the incident. I had been off the road for quite some time doing detective work, so I was kind of new to this procedure, and when I arrived there, there was a big crowd as usual, a lot of law enforcement officers, and of course I had forgotten my camera, one of the most important things that a supervisor has to do in these situations. It could have been pretty embarrassing for me. Deputy Bunker took me aside and, from his trunk, gave me his camera and I was able to perform my responsibilities, and I think to this day, and I will just say to let the cat out of the bag, George and I were the only ones that knew the difference. So I was able to get through it.

After that, we became pretty good friends. We continued to work together through the years. Even after retirement we both went into private investigation. He pursued his endeavors in the Legislature, prior to myself. We served on boards together, had

a lot of things in common. In fact, he chaired the Criminal Justice Committee, where I now serve. He really had a passion for law enforcement in this state and for serving the people in that capacity.

I remember another incident also. One of the last things that George Bunker did was run for sheriff in Washington County. It was one of the last public things. He did so while he was fighting the disease of cancer, and he did so, to me, in such a heroic manner. He always kept his attitude up, he was able to struggle with that disease and yet struggle with a very rigorous campaign, a three-way campaign that wasn't always that great. But I remember afterwards talking to my present sheriff and having him talk about what a gentleman George Bunker was throughout that entire incident. That's exactly what George Bunker was. He was a gentleman and a servant.

I want to thank you folks for the opportunity to remember George and I want to convey my condolences to his wife Christine and his family. I thank you, Mr. Speaker, for the opportunity to speak and to remember him at the end of the session. Thank you.

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. It is pretty tough to think that George is gone. I mean he was 54 years old, a very young age. I served with him for a number of years. George always had sort of a great sense of humor in being able to make you laugh at yourself. As the good Representative Burns said, he was chairman of the Criminal Justice Committee and, I believe his last session, the Labor Committee. I considered him a good friend. My condolences do go to his family.

Someone once told me as long as we remember people, they are still living in our hearts. So George will be living in my heart and other people's for many years. I am reminded of a quote from Longfellow that says that good men all remind us, we can live our lives sublime, and, departing, leave behind us footprints on the sands of time. So George, you will be in my heart for many years. So, good friend, rest in peace.

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

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable George H. Bunker, Jr., of Kossuth Township.

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 (EMERGENCY)

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

TABLED - April 6, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **FINAL PASSAGE**.

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

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, and esteemed Members of this body. Thank you for indulging me with the opportunity to explain why I am unprepared to support LD 412. Enacting a bill to limit BPA in children's products like sippy cups with the intent of protecting young children from exposure to BPA sounds and is a great idea, but

we will in essence be requiring manufacturers to use an alternative.

Before we collectively make this decision, I urge you to consider what we know of this substitute. Is the new alternative really safe? In an effort to protect young children with all good intentions, are we unintentionally making our very youngest and most vulnerable guinea pigs? Are we really to, in effect, dictate to manufacturers that they must begin using an alternative new chemical that is relatively untested with the hope that it is better than the current known entity? Is this wise public policy? I hope we are not overreacting. Wouldn't it be better to educate the public on how to limit exposure to BPA and to encourage the use of other products that we know without doubt are safe, like old-fashioned glass baby bottles?

The reason I do not support this bill is not because I think BPA is safe; rather, I support keeping BPA in the marketplace because it is a well-known additive and I am not convinced that a safe alternative is market ready. I do not trust that the substitutes have been fully tested. We should not, in knee-jerk fashion, ban a well-tested chemical prematurely. Free market principles are working. The marketplace is already responding to the concerns about BPA. Companies like Archer Daniels Midland are testing and seeking alternatives. We need to give the industry time to make sure the new chemicals are safe and not rushed to market. Just like the food industry is now advertising foods without high fructose corn syrup and without harshly hydrogenated oils, all without legislation, warning labels and outright bans, the same thing is happening with BPA. Thank you for considering my thoughts.

Representative CAIN of Orono **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 17

YEA - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill C, Dill J, Dion, Dow, Driscoll, Duchesne, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Dunphy, O'Connor, Sirocki.

ABSENT - Beaudoin, Prescott, Volk.

Yes, 145; No, 3; Absent, 3; Excused, 0.

145 having voted in the affirmative and 3 voted in the negative, with 3 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Order: (S.P. 443)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 12, 2011, at 10:00 in the morning.

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

Bill "An Act To Amend the Laws Governing Self-service Storage in the State"

(S.P. 442) (L.D. 1428)

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

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

Bill "An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games"

(S.P. 441) (L.D. 1427)

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 following Joint Resolution: (S.P. 445)

JOINT RESOLUTION RECOGNIZING ALCOHOL AWARENESS MONTH AND THE MAINE BEER AND WINE DISTRIBUTORS ASSOCIATION'S RESPONSIBILITY INITIATIVE

WHEREAS, April is Alcohol Awareness Month as designated by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration to raise awareness of the problem of alcohol abuse; and

WHEREAS, the Maine Beer and Wine Distributors Association member companies play a critical role in Maine's economy, providing thousands of beer, wine and nonalcoholic beverage choices to people in the State and delivering their products safely, efficiently and regularly to the thousands of retailers who sell them to consumers in Maine, supporting more than 3,000 jobs in Maine. The distributors are a vital part of the Maine economy by generating \$681,000,000 in annual sales for a wide variety of Maine businesses; and

WHEREAS, the Maine Beer and Wine Distributors Association has initiated a statewide initiative to recognize Alcohol Awareness Month in Maine through its Celebrating Responsibility 2011 initiative, in order to:

1. Educate the public that alcohol is a unique product that requires regulation and responsible consumption. The distributors have emphasized that the importance of a strong three-tier, state-based distribution system is the key to effective and accountable alcohol control and are proud to be a part of this 75-year-old system;
2. Promote responsibility. The Maine Beer and Wine Distributors Association has partnered with Maine

Olympian Julia Clukey, who is actively involved as a spokesperson for the initiative;

3. Educate young people about the consequences of underage drinking. As the spokesperson for the initiative, Ms. Clukey has recorded public service announcements and appeared on local radio shows to emphasize the importance of individual responsibility;

4. Promote good decision making and positive life choices. The Maine Beer and Wine Distributors Association last year sponsored presentations by Ms. Clukey at schools throughout Maine. In total, over 3,000 Maine students had the opportunity to be a part of Ms. Clukey's inspiring presentation to promote good decision making and positive life choices, and more school appearances are planned for 2011;

5. Address public safety. As part of this effort, member companies provide support for numerous alcohol awareness initiatives to help Maine residents make responsible choices about drinking;

6. Support many community initiatives that make Maine an even better place to live, work and play. As parents, neighbors and employers, Maine distributors continue to support local communities across Maine; and

7. Educate the public about the state-based regulatory system; and

WHEREAS, the Maine Beer and Wine Distributors Association created a publicly accessible website to highlight its current community involvement and efforts to promote responsibility; 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 and send our appreciation to the Maine Beer and Wine Distributors Association and its employees in Maine for their responsibility initiative and for providing a publicly accessible educational website that promotes responsible alcohol use; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Public Safety, the Department of Health and Human Services, Office of Substance Abuse, the Maine Beer and Wine Distributors Association and Olympian Julia Clukey.

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

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

On motion of Representative BURNS of Whiting, the House adjourned at 11:50 a.m., until 10:00 a.m., Tuesday, April 12, 2011, pursuant to the Joint Order (S.P. 443) and in honor and lasting tribute to the Honorable George H. Bunker, Jr., of Kossuth Township.