

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
35th Legislative Day
Thursday, April 14, 2011

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

Prayer by Reverend Susan Crane, Henderson Memorial Baptist Church, Farmington.

National Anthem by Isabelle Grignon, Athens.

Pledge of Allegiance.

Doctor of the day, Cynthia Self, M.D., Bangor.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 458)

JOINT RESOLUTION RECOGNIZING THE REPUBLIC OF CHINA (TAIWAN) ON THE 100TH ANNIVERSARY OF ITS NATIONAL DAY

WHEREAS, the Republic of China, commonly known as Taiwan, is a nation in East Asia established on October 10, 1911 after over 2,000 years of imperial rule and formally established as a republic on January 1, 1912, and October 10th is now celebrated as the Republic of China's National Day; and

WHEREAS, the United States, and in particular the State of Maine, and the Republic of China share a historical and close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

WHEREAS, the United States ranks as Taiwan's 3rd-largest trading partner, Taiwan is the 9th-largest trading partner of the United States and bilateral trade reached \$62 billion in 2010 with United States exports to Taiwan totaling \$26 billion and Maine exports to Taiwan totaling \$10.3 million, including paper, computer equipment, electronic parts and transportation equipment; and

WHEREAS, the Republic of China was the first republic in Asia and the first full-fledged democracy in Chinese history and shares with Maine the common values of freedom, democracy, human rights and rule of law; and

WHEREAS, President Ma Ying-jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's 23 million citizens, promote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

WHEREAS, there is a high volume of travel and strong tourism between the United States and Taiwan, with the number of travelers from Taiwan to the United States in 2009 totaling 477,500 and the number of American travelers to Taiwan totaling in excess of 369,000; and

WHEREAS, Taiwan is a key transport hub in the Asia-Pacific region and the Taipei Flight Information Region under Taiwan's jurisdiction covers an area of 176,000 square nautical miles with 1.35 million controlled flights passing through annually; and

WHEREAS, it remains in the mutual interest of Maine and Taiwan that Taiwan be allowed to observe the meetings and activities of international organizations, in particular the International Civil Aviation Organization to ensure the safety of the traveling public; and

WHEREAS, Taiwan's participation in the United States Visa Waiver Program, enabling Taiwan's citizens to travel to the United States for tourism or business for stays of 90 days or less

without being required to obtain a visa, will increase tourism and business between Taiwan and the United States, particularly Maine; and

WHEREAS, Taiwan presents a low immigration risk for the United States since it is a full-fledged democracy characterized by stability and social order and Taiwan's citizens present few, if any, crime or public security issues in the United States and illegal immigration or visa overstays are rare, with the rejection rate of applications made by Republic of China nationals for United States visas now at 2.2%, well below the 3% requirement of the United States Visa Waiver Program; and

WHEREAS, Taiwan has extended visa waivers to United States citizens since 1993 in the spirit of reciprocity, and 100 nations currently grant Taiwan's citizens visa waivers, including the European Union, the United Kingdom, Ireland, Japan, New Zealand, Singapore, Canada and the United States island territory of Guam; and

WHEREAS, the people of Maine and Taiwan look forward to an even stronger friendship over the next century; 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 congratulate the Republic of China (Taiwan) and the good citizens of Taiwan on the historic Centennial Anniversary of the establishment of the Republic of China on October 10, 1911; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, support Taiwan's participation as an observer in the meetings and activities of the International Civil Aviation Organization and participation in the United States Visa Waiver Program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Maine Congressional Delegation, to President Ma Ying-jeou of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

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

READ and **ADOPTED** in concurrence.

Bill "An Act Regarding Offenses against an Unborn Child"

(S.P. 454) (L.D. 1463)

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 Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place"

(S.P. 450) (L.D. 1443)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act Relating to the Authority of the Legislative Council over the Fiscal Note Process"

(S.P. 412) (L.D. 1335)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Joint Select Committee on **JOINT RULES** and ordered printed.

REFERRED to the Joint Select Committee on **JOINT RULES** in concurrence.

Bill "An Act To Clarify Enforcement of Maine's Building Codes"

(S.P. 449) (L.D. 1442)

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

On motion of Representative **PRESCOTT** of Topsham, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Non-Concurrent Matter

Joint Resolution Memorializing the United States Department of the Interior, United States Fish and Wildlife Service to Expedite the Incidental Take Permit for Coyotes

(H.P. 995)

READ and **ADOPTED** in the House on March 29, 2011.

Came from the Senate **READ** and **ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-34)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Add Transit Services to the Growth Management Program Comprehensive Plan"

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

Majority (7) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 12, 2011.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 134)

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER
104 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0042**

April 12, 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, with the advice and consent of the Governor nominating Lt. Col. Robert A. Williams of Vassalboro for appointment as the Chief of the Maine State Police.

Pursuant to Title 25, MRSA, §1501, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/John E. Morris

Commissioner of Public Safety

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 133)

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

April 14, 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 Environment and Natural Resources has approved the request by the sponsor, Representative Innes of Yarmouth, to report the following "Leave to Withdraw":

L.D. 716

An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

The Following Communication: (H.C. 135)

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

April 14, 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":

Appropriations and Financial Affairs

L.D. 298

An Act To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits

L.D. 1231

An Act Regarding Calculation of Benefits under Special Plans under the Maine Public Employees Retirement System

Education and Cultural Affairs

L.D. 275

An Act To Change the Notice Period for Terminating Teachers' Contracts

L.D. 444

An Act To Require Annual Evaluation of Public School Teachers

L.D. 1149

An Act To Provide Equitable Access to Postsecondary Courses

L.D. 1298

An Act To Facilitate the Certification of Teachers

L.D. 1322 An Act To Extend the Probationary Period for Teachers
Energy, Utilities and Technology

L.D. 241 An Act To Promote Energy Independence and Renewable Energy Production

L.D. 600 An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard

L.D. 620 Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters (EMERGENCY)

L.D. 923 An Act To Prevent Conflict of Interest in Efficiency Maine Audits

L.D. 956 An Act To Improve Maine's Renewable Portfolio Standard

L.D. 1112 An Act To Improve Maine's Renewable Energy Portfolio Standard

L.D. 1204 An Act To Create Jobs through Home Energy Efficiency

Environment and Natural Resources

L.D. 615 An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond

L.D. 1146 Resolve, To Direct the Department of Environmental Protection To Adopt Rules Establishing Sound Level Limits for Wind Turbines

Health and Human Services

L.D. 146 An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers

Inland Fisheries and Wildlife

L.D. 487 An Act To Facilitate the Restoration of Hunting and Fishing Licenses That Have Been Suspended

L.D. 749 An Act To Allow Sunday Hunting in Northern Maine

L.D. 810 An Act To Allow Hunting on Sunday in Certain Wildlife Management Districts

L.D. 906 An Act To Allow Sunday Hunting for Small Game and Wild Birds

Judiciary

L.D. 511 Resolve, Directing the Department of Health and Human Services To Examine the Issue of Revocation of Licenses for Nonpayment of Child Support

L.D. 585 An Act To Amend the Child Custody Laws

L.D. 811 An Act Relating to Child Support and Visitation by Noncustodial Parents

L.D. 877 Resolve, To Streamline the Judicial Process in Maine's Courts

Labor, Commerce, Research and Economic Development

L.D. 1004 An Act To Clarify Training Requirements for Funeral Service Providers

Taxation

L.D. 9 An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation

L.D. 705 An Act To Reduce the Income Tax for Low-income Families

L.D. 707 An Act To Increase the State Earned Income Credit

L.D. 1161 An Act To Waive Penalties Imposed under Laws Governing Taxation for Persons Who Are Unemployed

Transportation

L.D. 249 An Act To Allow Trained Local Law Enforcement Officers To Enforce Federal Motor Carrier Regulations

L.D. 357 An Act To Repeal Motor Vehicle Inspection Requirements

L.D. 370 An Act To Modify Vehicle Inspection Fees

L.D. 570 An Act To Regulate the Use of Traffic Surveillance Cameras

L.D. 704 An Act To Repeal the Motorcycle Inspection Law

L.D. 770 Resolve, To Establish a Study Group To Update Weight Regulations

L.D. 815 An Act To Limit the Placement of Motor Vehicle Inspection Stickers in Automobiles

L.D. 925 An Act Regarding Motorcycle Proof of Inspection

L.D. 1011 An Act To Curb the Noise of Motorcycles without Mufflers

Veterans and Legal Affairs

L.D. 76 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee
(Rep. Mitchell does not support the vote of the committee)

L.D. 902 An Act To Require That Liquor Be Sold at a Profit

L.D. 943 An Act To Amend the Laws Governing the Eviction of Residential Tenants

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 SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor, who wishes to address the House on the record.

Representative **WINSOR**: Thank you, Mr. Speaker. Good morning, Men and Women of the House. On Tuesday we passed a Joint Resolution honoring amateur radio operators and the anniversary of the founding of the International Amateur Radio Union. Today we have as guests in the Gallery a delegation of amateur radio operators who represent the 5,000 or so amateur radio operators living in Maine. These gentlemen are the officers and members of the Maine section of the Amateur Radio Relay League.

Following World War I, the use and science of wireless communication was rapidly developing throughout the world and soon people realized that radio waves did not respect national or international boundaries. To allow this new science to reach its potential, common rules are needed, so on April 18, 1925, in Paris, France, the International Amateur Radio Union was formed. This union has grown from a handful of member states to more than 150 today. We celebrate this date because the growth and usefulness of wireless communications owes its success to the ability of nation states to cooperate and find common rules. This year the theme of the celebration is "Amateur Radio: The First Social Network."

In the United States amateur radio is a licensed service controlled by the Federal Communications Commission. Amateurs are authorized two-way communications for

noncommercial purposes between licensees in this country and between licensees in other countries. These rules were established by a series of international agreements and treaties that demonstrate and should continue to demonstrate in a concrete way people of good will can come together to solve common issues.

For those of you who use Facebook, you would not be surprised to hear that licensed amateurs get together on nets all over the world. These are people that would be having a conversation with somebody from across their town one minute and then the next with another person in a foreign country, many thousands of miles away. The result of this social networking is that amateur radio has created a worldwide pool of individuals who are still communicators. Maine amateurs volunteered their equipment and time to provide public service communications for such events as the Dempsey Challenge, the Trek Across Maine, the Tour de Cure, and hundreds of other such events around the state each year. These activities ensure that our public service agencies have a pool of equipment and experienced operators to back them up when their equipment fails or becomes overloaded. Amateur radio operators throughout the world practice with these agencies to be prepared for any emergency situation where their skills can be used. Would you please join me in welcoming our guests as the Speaker introduces the delegation to us? Thank you, Mr. Speaker.

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 Regarding Retired Law Enforcement Officers' Retirement Credentials"

(H.P. 1091) (L.D. 1484)

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

Bill "An Act To Strengthen the Laws against Driving under the Influence of Drugs"

(H.P. 1096) (L.D. 1491)

Sponsored by Representative WILLETTE of Mapleton.
Cosponsored by Senator COLLINS of York and Representatives: CLARK of Easton, DAVIS of Sangerville, MAZUREK of Rockland, RIOUX of Winterport, THERIAULT of Madawaska.

HEALTH AND HUMAN SERVICES

Bill "An Act To Promote Transparency in the Medicaid Reimbursement Process"

(H.P. 1092) (L.D. 1485)

Sponsored by Representative FOSSEL of Alna.
Cosponsored by Representatives: Speaker NUTTING of Oakland, STRANG BURGESS of Cumberland, Senator: McCORMICK of Kennebec.

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

Bill "An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council"

(H.P. 1093) (L.D. 1486)

Sponsored by Representative STUCKEY of Portland.
Cosponsored by Senator ALFOND of Cumberland.

Bill "An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons"

(H.P. 1095) (L.D. 1490)

Sponsored by Representative CAIN of Orono.
Cosponsored by Senator RECTOR of Knox and Representatives: CUSHING of Hampden, DAVIS of Sangerville, FREDETTE of Newport, PRIEST of Brunswick, TUTTLE of Sanford, WAGNER of Lewiston, Senator: ALFOND of Cumberland.

Bill "An Act To Assist Maine Pharmacies"

(H.P. 1094) (L.D. 1487)

Sponsored by Representative BECK of Waterville.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAIN of Orono, GOODE of Bangor, MORRISON of South Portland, SANBORN of Gorham, TREAT of Hallowell.

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

On motion of Representative PRESCOTT of Topsham, **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative CLARK of Millinocket, the following Joint Resolution: (H.P. 1090) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO AMEND FEDERAL LAW REGARDING STUDENT VISAS FOR PUBLIC SCHOOLS

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, federal law allows 4-year student visas for foreign students attending private schools in the United States and allows one-year student visas for those attending public schools in this country; and

WHEREAS, the difference in visas creates an unfair disadvantage for public schools trying to recruit foreign students; and

WHEREAS, several school systems in Maine are attempting to attract foreign students to stabilize enrollment and bring in tuition money to supplement local, state and federal education aid and reduce reliance on local property taxes; and

WHEREAS, the inequity in student visas between private and public schools is one that should be rectified; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together and amend the federal Immigration and Nationality Act regulating student visas to allow an international student to acquire a 4-year student visa regardless of whether the student plans to attend a private or public school; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the

United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 19)

ORDERED, that Representative Robert B. Hunt of Buxton be excused April 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Amy Fern Volk of Scarborough be excused April 7 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

William Leo Lunser, of Sanford, who was a prominent member of the theater communities of Maine and New Hampshire. Mr. Lunser, known as Leo, was born in Duluth, Minnesota and arrived in the Sanford-Springvale area of Maine in 1972. He was an active member of the community and was the former owner and operator of L and B Variety Store. He later worked at Prime Time Video and then Servpro for more than 20 years. He performed in and directed local community theater productions throughout Maine and New Hampshire for more than 35 years and was an independent film producer. Mr. Lunser will be greatly missed and long remembered by his loving family and many friends and those whose lives he touched;

(HLS 253)

Presented by Representative TUTTLE of Sanford. Cosponsored by Senator COURTNEY of York, Representative NASS of Acton, Representative BOLAND of Sanford, Representative CAIN of Orono, Representative WEBSTER of Freeport.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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 regret that I speak today on my friend Leo Lunser who I've known pretty much most of my life.

You know when I talk about people that I think, I call them the average common man, that really adds a spark into our lives. Leo was one of those people. I know I talked to the good Representative from Freeport, Representative Webster, who knew him in the theatre community and Leo pretty much touched the lives of everybody that knew him. I always tell a story about when I take people on their last ride on the ambulance and they are always telling me about all their rewards and championships and things of this nature. What they say to me "Was I a good father, a good husband, a good wife, and will I be remembered as a decent individual?" I can say to Mr. Lunser was an affirmative yes in all these areas. Leo was only 61 when he died, but for those of us who knew him, I think that he put more into life than maybe someone who has lived a hundred years.

It is said here in the Sentiment Leo was born in Duluth, Minnesota. He was a former owner of L and B Variety, where we would all meet and congregate in our younger years. He was very active in the theatre community with productions throughout

Maine and New Hampshire for more than 35 years. I would express my condolences to Leo's family who are here today in the Gallery, and Leo will always be remembered as a man of peace. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative WEBSTER: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Leo was a big guy and lived big. He had a big heart and he had big ideas, but they always included everyone, and he had a big heart that cared for the people around him. He believed the best way to conduct his life was with love and with acts of peace. He certainly embraced the ideas that evolved in the '60s, but at the same time he never was laid back or relaxed in the sense of not getting things done. Everyone around him knew that things were going to happen if he was there.

This is a huge loss, not only for the family but for that community and for the arts community because he had so much influence, not only in making things happen but how they happened. I express my condolences to the family and the loss that we experienced.

Once again, as we talked yesterday about the importance of arts and culture in our community when we honored a person who had the great good fortune to celebrate his 75th birthday, we are going to be missing but remembering and honoring the accomplishments of this man who died far too young and unexpectedly, who had so much more to give and whose legacy will remain. Thank you, Mr. Speaker.

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 need to also share in the memories about Leo Lunser.

When my husband died and my children were very young, you look for things to do that you can do just as a threesome like that, and we found it at the Community Theater in Sanford where Leo was the head of that group for many years. It was the beginning of kind of a long career for all of us, but as it has already been said, he welcomed everyone. But he was so imaginative. He was the greatest Captain Hook anybody ever saw and he was just a wonderful support as far as doing our children's programs, also for having children's theatre and children's summer camp theater in Maine. He would see that they did free entertainment also downtown and rehearsals and at the annual parade and the fair in town, and there are just so many memories that come back.

I was just so saddened to see that he had died. Every community in Maine should have a Leo Lunser, but I am sure that all that he was and gave has been passed along to hundreds and thousands of people who were in touch with him. I just celebrate him for the places he contributed and just to modest theatres and modest efforts, as well as the large ones, he did in film. So again, I am very sorry that we've lost him, but I am so glad we had him.

The Chair asked the Members to rise as they paused in a moment of understanding and prayer for Mr. William Leo Lunser, of Sanford.

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

In Memory of:

Stanley Taylor Bennett II, of Falmouth, past President, Chairman of the Board, Chief Executive Officer and Vice President of Strategic Planning of Oakhurst Dairy, who was a prominent and generous member of his community. Mr. Bennett was born in Portland and was a 1965 graduate of Deering High School. After graduating from Tufts University, he received his law degree from Boston University School of Law in 1972. Mr. Bennett worked for the family business, Oakhurst Dairy, which was founded in 1921 by his grandfather. Mr. Bennett became President of the company in 1983 and he became Chairman of the Board in 1999. Under his strong leadership, Oakhurst Dairy became the number one family-owned dairy business in northern New England. Throughout his life, Mr. Bennett supported many organizations and was committed to giving back to his community. Some of the most recent recipients of his attention were the Friends of Casco Bay, the Boys and Girls Club of Southern Maine and the Gulf of Maine Research Institute. Some of Mr. Bennett's other involvements included work with Portland Regional Chamber of Commerce, Maine Medical Center, the Maine State Bar Association, the Maine Dairy and Nutrition Council, the International Dairy Foods Association and Greater Portland Landmarks. He was also twice a Republican Convention delegate and served on both the Falmouth Zoning Board of Appeals and Falmouth Planning Board. Mr. Bennett will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched;

(HLS 256)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative LOVEJOY of Portland, Representative CHIPMAN of Portland, Representative HARLOW of Portland, Representative HASKELL of Portland, Representative HINCK of Portland, Representative RUSSELL of Portland, Senator ALFOND of Cumberland, Senator BRANNIGAN of Cumberland, Representative BEAVERS of South Berwick, Representative BLODGETT of Augusta, Representative McKANE of Newcastle.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great honor today to be able to speak on this Sentiment for my cousin Stanley. I could tell quite a few stories about Cousin Stan, but if you'll just indulge me I'll just tell one.

Quite a few years ago, we were coming back from a family event in Casco Bay, at one of the islands, on The Terrapin, which is a pretty big boat, and there were a lot of people on board. As we headed back towards Portland Harbor there was a ledge that we were coming close to that was absolutely covered with seals. Stanley brought that boat very, very close to that ledge without the seals knowing we were there, and we got so close you could actually step across had there been room, and we were all very, very quiet and we were all looking down, actually, at these seals because we were so close to them.

Stanley got up from the wheel and he walked over the edge of the boat and he put his hands together and went "ew, ew, ew," and those seals exploded off of that rock and dove into the water. We were a little bit shocked some of us, you know? They were there sunbathing on this beautiful day and this was during the middle of the big Color Me Green Campaign, if you remember

that. So I went over to him and I said "Okay, Mr. Color Me Green, what was all of that about?" To paraphrase, he said the seals were getting complacent, they shouldn't let us get that close to them." It was because of his love of Casco Bay and everything in it that he would do things like that. It seemed a little shocking at the time, but they were for the better of the creatures. He loved Casco Bay, he loved the whole coast of Maine and he knew it very well.

He also loved the mountains and the Great North Woods, and Stanley and I had a debate or two on the Great North Woods, but more than anything else Stanley loved the people of the State of Maine and I believe he looked at them, looked at the people of Maine as his extended family. That was one of the reasons that made him so successful. People understood that. He had a lot of accomplishments and he was someone who people respected. One of my favorite movies, "Mr. Smith Goes to Washington," and he says on the floor, he says none of it's worth anything if it doesn't include a little looking out for the other guy. Stanley had a lot of that. He loved the people of this state, so I think it is very fitting that we pay tribute to him today. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Today I rise to honor and pay tribute to Stanley Bennett – my friend, my constituent, my colleague in several endeavors, and a great son of the State of Maine. Stanley most certainly left us too soon. But I assure you that he contributed more and lived more fully in his 64 years than many people do in much longer lives.

As you have heard, Stanley led one of Maine's most important and successful businesses – Oakhurst Dairy – "The Natural Goodness of Maine." He oversaw a continuing expansion of the business and aggressive investments in clean-energy technology such as solar power and biodiesel fuel for its trucks. He never backed away from a fight as when he took on Monsanto Corporation on the issue of labeling his milk as free of artificial growth hormones. He also used his influence to help independent Maine dairy farmers, even though they were not affiliated with Oakhurst. He helped organic milk producers, seeing them not as adversaries and competitors, but as partners in an industry that would benefit if all companies in the industry succeeded. One of the most vivid testimonials to Stanley Bennett was the full-page tribute to him in the *Portland Press Herald*, placed a week after his death by Hood Milk, one of his largest competitors.

As involved with and successful as he was in business, Stanley's interests went far beyond his business. He had extraordinary balance in his life. He was devoted to his family, many of whom are with us today. He not only contributed corporately to the community – Oakhurst contributes 10 percent of its profits to local organizations that support "healthy kids and a healthy environment" – but he was personally involved in many projects, from the Friends of Casco Bay to the Boys and Girls Clubs of Southern Maine. I worked with Stanley on a project in Falmouth – Tidewater Farm – which is preserving a farm and developing a program with the University of Maine Extension Service to promote conservation, agriculture, and research. Stanley called me up and asked me to meet him for coffee. He had a way of casually sitting down with you over that cup of coffee to discuss an idea and before you knew it, you were part of the plan, and you had committed not only time but financial resources to the project.

Stanley served on the Falmouth Planning Board, and actually worked briefly as a legislative aide in Augusta after college and law school. Rest in peace, good friend. Thank you for all you did

for our State, for our community, for your industry and for business in Maine, and for your family and friends. We miss you. Thank you, Mr. Speaker.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You've already heard some amazing and wonderful things about Stan Bennett, and I'm sure that many of us could go on for quite some time.

I had the privilege of getting to know and working with Oakhurst Dairy since 1992, until the Legislature pulled me away and pulled us apart. I'm really, really lucky to have had that opportunity for 15 years. Through working with Oakhurst, I got to know the whole Bennett family and as you've heard they are here today, and I am so lucky to have the honor and privilege to call them all dear friends.

But Stan and I worked side by side developing and enhancing the Oakhurst brand. We talked numerous times throughout the day. We got so that we could pretty much read each other's minds on things and wove a really interesting Maine brand and took it to amazing levels, because it is the best product ever. I learned so much from Stan as a business owner working side by side with him. It was really cool because he is from Portland and so many of the folks from Portland were still in Portland.

I didn't grow up in Portland. I was always kind of jealous of the fact that pretty much anybody in Portland he knew, he knew their first cousin, he had played with them as kids. He just had a wonderful network and he always would tell me that from a business perspective, if things are equal, always give it to the local business, always give it to the person and make it right. That was really the creed for Stan Bennett. Do the right thing. He did that in his business, he did that in his life. He had a great life. He played hard and he worked really hard.

When I was diagnosed with cancer, I wasn't able to do a lot of my day-to-day work. Oakhurst Dairy and Stan were one of the first people there at my side. Stan came to me to sit with me at chemo. Little did I ever know that 10 years later, I'd get the opportunity to do that with him. Probably an example and Representative Nelson has already told you about Monsanto, but we had an opportunity or should I say we were in a lawsuit placed by Monsanto. They sued Oakhurst Dairy and they also sued my company. Fortunately, I had never been through anything like that before and I hope I never have to do that again. But we had to stand and do these depositions about basically doing the right thing, and it's okay to say what's not in your milk as much as what's in your milk. Well, it was the little dairy taking on the big, giant Monsanto because it was the right thing to do. Was it something that was going to turn out great? We spent a lot of time, a lot of money, but it was the right thing to do.

In fact, it earned me the great distinction from the Representative from Hudson, Representative Duchesne, who will regale you all at the end of our session with the list of tops from our session. Last year, we had an issue about chemicals and I shared with you guys all in detail about Monsanto and my, therefore, lurid distrust of some of these national companies with firsthand experience, and I was awarded the longest floor speech for the session. So unless I earn that privilege yet again, Representative Duchesne, I will conclude my remarks and simply say that this has been a really hard thing, I miss Stan a lot, and I am so happy the family is here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This would be a floor speech from Meredith that would probably be okay, a long one.

Many people probably don't know that my sister worked for Meredith for many years. She is a wonderful employer and friend. My sister did not play, she wasn't a kingpin in the organization. She was a person who was one of the workers. She made things happen. She was the voice of Burgess Advertising and I will leave it at this. My sister said "Stan Bennett was a good man, treated me well, treated people with respect, everyone, a good man." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I didn't know Stan. I knew Priscilla. She went to school with me. But what I knew was Oakhurst Dairy.

For Representative Strang Burgess, I was one of those people who grew up in Portland and Oakhurst Dairy was kind of a part of what happened in our communities. I will date myself by telling you that the Oakhurst Dairy came to my house. They came into the house; they left the milk in the refrigerator. Shortly after that, there was a box outside on the back porch where milk showed up every day.

We were always proud to be Oakhurst consumers, but what I remember most of all was so typical of what Oakhurst Dairy did, and that's reach out and provide opportunities. Our whole Brownie scout troop got to go see how milk was made by touring the dairy, and I can remember to this day standing there and watching those glass bottles, once again aging myself, watching those glass bottles clinking down the rails to be milked with that great milk that was going to be delivered to my house.

But I did remember for a long time afterward, that this was one of the places where they let all of us in and they let us in everywhere and they showed us everything. So it is a great organization and it is such a pleasure to be able to speak today in honor and respect of the Bennett family. Thank you.

The Chair asked the Members to rise and observe a moment of silence, understanding and prayer for Mr. Stanley Taylor Bennett, III, of Falmouth.

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

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

**ENACTORS
Emergency Measure**

An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011

(H.P. 1011) (L.D. 1372)
(C. "A" H-84)

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

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The item before you is the supplemental budget number two. It is a tool to manage a financial shortfall that would occur during the next three months were we to not take action today. This matter was

brought to us a month or so ago by the administration and it consists primarily of funding needs in the Department of Health and Human Services, Child Development Services, and in our court system for indigent persons.

The total shortfall we need to address is \$64.9 million. The portion of the shortfall addressed by this unanimous supplemental budget committee amendment before you is actually \$39.9 million and I wanted you to understand that. The remaining \$25 million portion of this shortfall was addressed separately by the administration and the Appropriations Committee by passage of financial orders that moved funds within the department and from internal savings within the department.

The Appropriations Committee wants to thank Commissioner Millett for bringing us a range of reasonable solutions to resolve these shortfalls. Only two of the administration's proposals became problematic for the committee and for the Legislature, primarily due to their timing as we worked through similar large-scale subject areas in our '12-'13 biennial budget.

Toward the end of our deliberations last week, we were able to find alternative solutions to those problematic proposals. Those areas were related to the use of about \$5 million of state funds embedded in several of our health insurance programs and the administration's proposal to use those funds to help make up the shortfall here. The committee understood the objections by many in the Legislature to those particular proposals and was thankful for the innovations brought forward by the committee and the administration to find less troubling alternatives to accomplish the goal of balancing the budget at the end of the fiscal year, June 30th.

I want to voice appreciation to the staff at OFPR, our leaders in both bodies, and Commissioner Mayhew and her staff for helping us coordinate the final resolutions to this budget.

I am also grateful for all members of the Appropriations Committee. You are a great team and it is an honor to work with all of you. In particular, I wanted to thank the Representative from Lewiston, Representative Rotundo, for her leadership, and the Representative from Eagle Lake, Representative Martin, for helping to find the last several million dollars necessary to close up this gap last Thursday night.

Clearly there are many important items of work we must work through during the remainder of this year's session, and clearly there will be distractions and barriers to us as we try to accomplish our work. I hope that we can continue to work collaboratively to resolve the financial issues, particularly in our biennial budget, to achieve consensus on the solutions that we must forge.

During this supplemental budget, once again, the committee was able to achieve unanimous votes on all votes taken to bring you the unanimously approved committee amendment that lies before you now. It is important to strive for consensus on budget matters, particularly when other forces work hard to pull us apart.

In this great building, it is very easy to divide and sometimes very difficult to be patient and to find consensus. I am confident that respectful discussion and debate will continue to guide us the next several months as we work to solve problems and achieve the objectives that the people expect of us.

It is a privilege to work with all of you. You are all leaders and I want to thank you all for your guidance. I hope that our work on this supplemental budget meets your expectations. Thank you, Mr. Speaker.

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. I rise today to urge you

to vote for the supplemental budget before you which was very well laid out by the Representative from Winthrop, Representative Flood.

I want to publicly acknowledge and thank all the members of the Appropriations Committee whose respectful attitude and good will enabled us to once again produce a unanimous bipartisan budget. I also want to thank our House Chair, the Representative from Winthrop, Representative Flood, for his consistently patient and wise leadership. I also want to thank the staff of the Office of Fiscal and Program Review for their continuing excellent support and work.

I, too, feel that this lays the foundation for the work that lies ahead of us in terms of the unanimous bipartisan biennial budget that we hope to bring to you in the coming month. I urge you all please to vote for LD 1372 as amended. Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 142 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Change of Committee

Representative RICHARDSON from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children"

(H.P. 257) (L.D. 324)

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.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Extend the Length of the School Day"

(H.P. 391) (L.D. 498)

Signed:

Senators:

ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-90)** on same Bill.

Signed:

Representatives:

JOHNSON of Greenville
McFADDEN of Dennyville

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-90)** Report.

READ.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 358) (L.D. 1183) Resolve, Directing the Maine Community College System To Extinguish Certain Easements Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 41) (L.D. 86) Bill "An Act To Provide Certainty to Businesses and Development" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-33)**

(S.P. 120) (L.D. 416) Bill "An Act To Amend the Taste Testing of Wine Law" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-29)**

(H.P. 222) (L.D. 269) Bill "An Act To Implement a Maine Unemployment Insurance Work-sharing Program" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-91)**

(H.P. 287) (L.D. 361) Resolve, To Evaluate the Energy Use of the State House Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-92)**

(H.P. 379) (L.D. 486) Bill "An Act To Clarify the Uniform Arbitration Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-94)**

(H.P. 579) (L.D. 772) Bill "An Act To Amend the Auditing Requirements for Accounts of All Water Utilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

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. 222) (L.D. 732) Bill "An Act To Reduce Costs for Businesses with Previous Utility Payment Records" (C. "A" S-28)

(H.P. 450) (L.D. 592) Bill "An Act Regarding Forensic Examination Kits"

(H.P. 145) (L.D. 168) Bill "An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility" (C. "A" H-86)

(H.P. 486) (L.D. 656) Resolve, To Establish a Task Force on Franco-Americans (C. "A" H-88)

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

Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

Bill "An Act To Provide Funds for Municipal Sand and Salt Storage Facilities"

(S.P. 81) (L.D. 272)
(C. "A" S-27)

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

**ENACTORS
Emergency Measure**

An Act To Amend the Laws Governing Criminal History Record Information

(H.P. 278) (L.D. 352)
(C. "A" H-74)

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. 125 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

An Act To Protect Children from Sexual Predators

(S.P. 172) (L.D. 580)
(C. "A" S-26)

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. 133 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, To Establish a Working Group of Stakeholders To Review the Current and Future Dementia Training Needs of Long-term Care Providers

(S.P. 39) (L.D. 65)
(C. "A" S-24)

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 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 329) (L.D. 411)
(C. "A" H-61)

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. 139 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.

Acts

- An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists (H.P. 111) (L.D. 129) (C. "A" H-68)
- An Act Relating to Maine Farm Wineries (S.P. 71) (L.D. 220) (C. "A" S-23)
- An Act To Amend the Laws Governing Aquatic Nuisance Species (H.P. 205) (L.D. 252) (C. "A" H-66)
- An Act Relating to Abandoned Vehicles (S.P. 90) (L.D. 301)
- An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish (H.P. 244) (L.D. 302) (C. "A" H-69)
- An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems (H.P. 313) (L.D. 387) (C. "A" H-65)
- An Act To Amend the Telecommunications Education Access Fund (H.P. 437) (L.D. 554) (C. "A" H-63)
- An Act To Amend the Law Pertaining to Loaner Registration Plates (H.P. 455) (L.D. 625) (C. "A" H-71)
- An Act To Create an Apprentice Trapper License (H.P. 480) (L.D. 650) (C. "A" H-70)
- An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security (H.P. 541) (L.D. 710) (C. "A" H-64)
- 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, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries (H.P. 206) (L.D. 253) (C. "A" H-67)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

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

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

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: To anybody that might answer, what does item 10-16, An Act To Establish Juneteenth Independence Day, do?

The SPEAKER: The Representative from Sanford, Representative Tuttle, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Harlow.

Representative HARLOW: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Juneteenth Day is just a day that commemorates the day the slaves were finally freed in Texas. It is not a holiday. It is just a commemorative day and it is the third Saturday in June. No fiscal note. Thank you.

Subsequently, 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 matter, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-25)** - Minority (4) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Farm Wineries To Charge for Wine Tastings"

(S.P. 17) (L.D. 2) - In Senate, 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)**.

TABLED - April 7, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 in opposition to the motion on the floor. I served on the Veterans and Legal Affairs Committee since the first day I came here in 2004, except for a small period of time, and I have heard a lot of these bills coming before the committee as we all have in our committees, bills time after time after time. I think that the committee has worked very hard to help Maine farm wineries in all the period of time that I've been here. I have also heard

many, many hours of testimony in regard to testing on this. The purpose of testing, according to the years of testimony that I've heard, was always to get the person to sample the product so that they would buy a bottle. In all of the years I've been here, I've never heard anything from any of the farm wineries about having to charge for it. It was always just to get somebody in the door to get a taste, a sip, for whether or not they would want to buy a bottle.

In addition to that, I also have had concerns about the language in the bill and I have conveyed that to my chair, to other members, and OPLA and stuff. The language in the bill allows for samples and although the title mentions tastings, there is no language in the bill that mentions anything about a tasting, nothing by the glass or by the sip. The bill calls for samples and I pulled the sheet that we have from OPLA that pretty well specifically defines that wine tasting and wine samples are two totally different things. A wine taste is an actual sip or an actual taste of beer or wine, where a wine sample is a bottle or a partial bottle of wine and beer. As much as I don't want this bill to go through, if it is going to go through, I have said that this really should be cleared up because it is talking about wine tastings but the language in the bill only talks about samples, and a sample is a bottle and a sample is not a sip on that.

So I would also want to call your attention to the fact that tastings can be done either on premise or off premise. Originally we allowed to have people if they come into the winery or they come into your distillery, to allow them to have a sample on the premise. Then we also allowed, of course, wine tastings off premise so that you could take the wine and go off premise. This bill does not specify the sample size. It does not say how many samples can be served. It does not say how much the person can charge to serve the sample. But it is interesting because it does say that the farm winery has to collect a sales tax on every sample that they charge. Also, if they decide to charge for a glass of wine, then they can't give a free sample away. They would have to go back to the bureau and then they would have to re-charge and do it. So it is either/or. You can't do one and then do the other on this.

I wanted to call your attention to where this has no limits on farm wineries. Special taste testing festivals that we allow now where one person can consume at this festival and we've had a lot of testimony that festivals sometimes last two hours, they can have 12 4-ounce samples. That is one person. So in other words, they can drink 48 ounces of liquor in two hours. Also at these special tasting festivals that we have, it specifically prohibits them from charging. So again, if we allow one thing it is a slippery slope. We've always talked about if we allow the farm wineries to charge. Are we going to now have the special tasting festivals to charge on it?

The other thing that we heard and we've tried to be consistent for different years is that it all starts with the farm winery. We come in and we want to help the farmer and what happens after that is then the next year the small breweries come in and say that's not fair, why did you help the Maine farm wineries and you didn't help us. Then the Maine distillers come in because, you know, we distill alcohol in Maine. So everything we do for the Maine farm wineries we end up doing for the malt liquor distributors, the small breweries, and then we end up to do the distillers. So now this really isn't about farm wineries because we know the door has been opened and they said at our testimony, again you can almost hear the foot stomping, this isn't fair, this isn't fair, if you're going to do it for them do it for me.

I've searched back through to just my notes from 2005 on different bills that we've had to just show that this committee has really tried to work with people on these tastings on it. We

allowed smaller things for its festivals at 125 labels and less. We went, in 2009, to 12 tastings per year on some of the stores. Then, in 2010, we went from 12 to 24. Then this year we're going from 24 to 36. We're really trying to work, I think, with everybody on that.

In summary, I just want to say that I think the Legal and Veterans Affairs and this Legislature have worked very closely with not only Maine wineries but the Maine Malt Brewers and the Maine Distilled Spirits Manufacturers to help them promote their product through tastings, both on premise and off premise, using coupons, increasing the number of the days that they can have tastings, not charging them a separate license fee if they're doing the testing. I just think this goes too far. By charging, this is an end run against getting a liquor license and having a bar, and there are too many people who pay \$900 to \$2,000 a year to get these small business owners that have to do this. I think let them do their tastings, but charging has just gone one step over, and, to me, it's the straw that breaks the camel's back and we should not do that. We should let them do everything that they wanted to do. But tasting, when does it become a bar, and they're just opening up a bar. If they want a bar, let them apply for a liquor license and let them go through all of the other requirements that we need to do for a bar as far as having qualified people pour and serve and the checks on the IDs and everything else. I would just ask to please vote against the motion on the floor. I do not feel that this is against small business. We've really tried to help small business, but this is giving an unfair advantage on one business versus another. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Well, two years ago we debated the wine tasting issue and always when these issues come up, it's being treated as if winos are showing up at these farms to drink. This is not the case.

Five years ago, my wife and I took the family and we went to the Finger Lakes Region of New York. It is an area where there is a lot of grapes being grown and a lot of wines, and while you're there, you see what they got and they're allowed to sample it. We weren't there to go to a bar. We aren't. If this helps small farms that have wineries or small distilled products sell their products to people that happen to be there, that they can sample it, then what's the problem with that? I don't see a problem with that. If it helps them, I'll drink to that. Follow my light.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative BEAULIEU: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. There was a discussion in committee about the prospects of what size the serving ought to be, and there was a level of concern on the part of some individuals. But the Department of Public Safety said that they did not think it was a real problem and hadn't heard of any difficulty, and, as a direct result of that, the committee decided not to include that as part of the bill. I will say though, to alleviate some concern that you might have relative to the issue itself, that we have a sunset in the bill of February 1, 2014, and clearly if there's a problem that arises over that period of time, we'll be notified of that. If we are proactive and look very carefully about the service and see exactly what's going on, we can make whatever changes need to be made including continuing it if in fact it's successful.

I see this as a small business bill and if you really are interested in helping small business, LD 2 provides you with an excellent opportunity. Clearly farm wineries are local Maine

businesses which produce less than 50,000 gallons of wine in any given year. They are small businesses, small wineries, and they need help. There are 26 of them in total and, at the present time, they are allowed to give a complimentary serving. All this bill does truly is allow them to get paid for what they are presently giving away. It's a marketing tool. It's a good marketing tool. They can sell their product anyway, but this gives them an opportunity to present a sample to individuals before they do that. I urge you to support the Majority Ought to Pass as Amended Report. I hope you will do so and I hope you will consider small business when you push the green light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative LIBBY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one entity that we've actually looked at and encouraged about possibly doing for our business for our farm, so I am very much for this and hope everyone will look forward to a vote on it. Just one comment, in comparison to unfair business, when you're in farming you're already well under unfair advantage. So, trust me, I know about that.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative RUSSELL: Thank you, Mr. Speaker. I appreciate it. Ladies and Gentlemen of the House. One thing I would just say is I am all for allowing the farm wineries to do wine tastings. We worked really hard to do that so they could do that and I think that the line gets drawn where you actually pay for that tasting.

I work in marketing too and I think marketing is really important. Part of marketing, in some instances, is that you give out samples. Well, it's not really a sample if you have to pay for it. You go into BJs or any of the other places and you go get a sample of whatever the Jimmy Dean special is that day and you take it, you taste it, you enjoy it, and you make a determination as to whether or not you're going to buy that sausage. It's a good idea.

But if you had to pay for it, it kind of is counter to the idea of a marketing sample. So when you do wine tastings, it's so that you can taste the product and make a determination about whether or not you're interested in purchasing that bottle of wine. When you start paying for that sample, when you start paying for that, then you're actually buying alcohol. The question then becomes do you pay the 7%? Is it any different than walking in any other place and buying a glass of wine?

This is not about samples. This crosses the line between being a sample and being a purchase, and that's the distinction. It was a big change to be able to make sure that our farm wineries had an opportunity to provide those samples at their places of business, and I want to make sure they can continue to do that. But you know, when I walk in to Rosemont Market, for example, and I go into one of their wine tastings, am I going to start paying for that too? There are other places throughout the state that provide opportunities to sample wine. Are we going to make sure that every business now that provides samples gets paid for it?

This is about making sure people have an opportunity to taste the wine, to sample it and not pay for that. It really crosses the three-tier system that we have at this point and I want to make sure that we're preserving the opportunity for other small business owners who sell wine and do wine tastings, to be able to compete properly. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

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

The SPEAKER: The Representative may pose his question.

Representative DUNPHY: Just a point of clarification, is it mandatory that the wine be sold or can they still give the samples away?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative BEAULIEU: Thank you, Mr. Speaker, and thank you for the question. It is not mandatory. It just gives them an opportunity to do so if they feel the need.

The Chair ordered a division on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

A vote of the House was taken. 95 voted in favor of the same and 50 against, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-25) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 26, 2011.

SENATE PAPERS

The following Joint Order: (S.P. 465)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 26, 2011, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Representative DILL of Cape Elizabeth moved that Joint Order, Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Establishing a Process for the Recall of the Governor, Legislators and Constitutional Officers by the Citizens of the State

(H.P. 1006)

Be **REMOVED** from the table.

The same Representative **REQUESTED** a roll call on the motion to **REMOVE** the Joint Order from the table.

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 to Remove the Joint Order from the table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 21

YEA - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Bennett, 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, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, 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, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell,

Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Berry.

Yes, 149; No, 0; Absent, 2; Excused, 0.

149 having voted in the affirmative and 0 voted in the negative, with 2 being absent, and accordingly the Joint Order was **REMOVED** from the table.

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. I would just simply like to state that for information that this Joint Order directs the Committee on Veterans and Legal Affairs to, in a bipartisan manner, draft a bill that would create a citizen recall process. The committee is in able hands as we all know and the committee would be able to hear from members of the public on this important issue. It is an issue that has been brought up before in previous Legislatures and it is one of significant concern to many of our constituents and so I would ask for your support in supporting the people of Maine. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In regard to the matter of the Joint Order before us, I wish to note that all members are entitled to bring before the Legislature issues deemed important to the citizens of Maine. The legislative process affords all the same opportunity in this first year of session to submit bills on a variety of subjects and in the event that an issue was to arise following the cloture date, members are afforded the means to submit legislation through the Legislative Council for consideration as outlined in Rule 205 of the Joint Rules. Though permissible as there is no bill pending before the committee referenced in this Joint Order, it seems inappropriate to order them to report out a bill, especially when the usual and customary means that we all may use for handling matters of importance to the public has not been employed. Thank you for your time and consideration and attention to my comments.

Representative **DILL** of Cape Elizabeth **REQUESTED** a roll call on **PASSAGE**.

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

Representative **CURTIS** of Madison moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **DILL** of Cape Elizabeth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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 Indefinite Postponement of the Joint Order and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 22

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell,

Hayes, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

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

ABSENT - Beaudoin, Berry.

Yes, 83; No, 66; Absent, 2; Excused, 0.

83 having voted in the affirmative and 66 voted in the negative, with 2 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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

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

SENATE PAPERS

Bill "An Act To Create Innovative Public School Zones and Innovative Public School Districts"

(S.P. 466) (L.D. 1488)

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 Amend the Sanford Sewerage District"

(S.P. 464) (L.D. 1483)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable"

(S.P. 463) (L.D. 1482)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 136)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

April 14, 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 Labor, Commerce, Research and Economic Development has approved the request by the sponsor, Representative McKane of Newcastle, to report the following "Leave to Withdraw":

L.D. 937 An Act To Increase Access to Dental Care in Rural Areas

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

L.D. 1321 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow for the Appointment of County Sheriffs, Judges and Registers of Probate

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

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

CONSENT CALENDAR

First Day

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

(H.P. 94) (L.D. 112) Bill "An Act To Discourage Illegal Dumping in the State" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-97)**

(H.P. 253) (L.D. 320) Bill "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)**

(H.P. 439) (L.D. 556) Bill "An Act Concerning Fish and Wildlife Program Funds" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-99)**

(H.P. 459) (L.D. 629) Bill "An Act To Provide for the Designation of the Secretary of the Pull Events Commission" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-100)**

(H.P. 562) (L.D. 755) Bill "An Act To Strengthen the Laws Regarding Dangerous Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)**

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

SENATE PAPERS

Bill "An Act Regarding Regulation of Emergency Medical Services"

(S.P. 467) (L.D. 1489)

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

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my pleasure to announce that Representative Maloney, of Augusta, it is her birthday today. Happy Birthday, Maeghan, and I would like to have Representative Cain sing "Happy Birthday" to her.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. To follow up on what my good colleague talked about in terms of the 150th anniversary of the Civil War and that this day is the anniversary of the assassination of Abraham Lincoln, I would like to ask your indulgence to read from Walt Whitman, famous American poet.

*HUSH'D be the camps to-day,
And soldiers let us drape our war-worn weapons,
And each with musing soul retire to celebrate,
Our dear commander's death.*

*No more for him life's stormy conflicts,
Nor victory, nor defeat—no more time's dark events,
Charging like ceaseless clouds across the sky.*

*But sing poet in our name,
Sing of the love we bore him—because you, dweller in camps,
know it truly.*

*As they invault the coffin there,
Sing—as they close the doors of earth upon him—one verse,
For the heavy hearts of soldiers.*

In his tribute to the President:

*O Captain! my Captain! our fearful trip is done,
The ship has weather'd every rack, the prize we sought
is won,
The port is near, the bells I hear, the people all exulting,
While follow eyes the steady keel, the vessel grim and daring,
But O heart! heart! heart!
O the bleeding drops of red,
Where on the deck my Captain lies,
Fallen cold and dead.*

*O Captain! my Captain! rise up and hear the bells;
Rise up—for you the flag is flung—for you the bugle trills,
For you bouquets and ribbon'd wreaths—for you the shores
a-crowding,
For you they call, the swaying mass, their eager faces turning,
Here, Captain! dear father!
This arm beneath your head;
It is some dream that on the deck
You've fallen cold and dead.*

*My Captain does not answer, his lips are pale and still
My father does not feel my arm, he has no pulse nor will,
The ship is anchor'd safe and sound, its voyage closed
and done,
From fearful trip the victor ship comes in with object won;
Exult, O shores, and ring O bells!
But I with mournful tread
Walk the deck my Captain lies,
Fallen cold and dead.*

Thank you, Mr. Speaker.

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

On motion of Representative McKANE of Newcastle, the
House adjourned at 12:12 p.m., until 10:00 a.m., Tuesday, April
26, 2011, pursuant to the Joint Order (S.P. 465) and in honor and
lasting tribute to William Leo Lunser, of Sanford, and Stanley
Taylor Bennett II, of Falmouth