

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
36th Legislative Day
Tuesday, April 26, 2011

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

Prayer by Reverend Diana Beach, Thomaston.

Colors presented by Jason Dunham (DDG-109) Division, Naval Sea Cadet Corps, Bath.

National Anthem by The Maine Event; Caribou, Woodland, New Sweden and Presque Isle.

Pledge of Allegiance.

The Journal of Thursday, April 14, 2011 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Amend the Powers and Duties of Municipal Treasurers

(H.P. 390) (L.D. 497)

- In House, **PASSED TO BE ENACTED** on March 31, 2011.

- In Senate, **PASSED TO BE ENACTED** on March 31, 2011, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 457.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.P. 1104)

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

April 15, 2011

The Honorable Robert W. Nutting

Speaker of the House

125th Legislature

The Honorable Kevin L. Raye

President of the Senate

125th Legislature

Dear Mr. Speaker and Mr. President:

On April 15, 2011, 7 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 15, 2011, as follows:

Criminal Justice and Public Safety

Bill "An Act To Establish Positive Reentry Parole" (H.P. 1101) (L.D. 1500) (Sponsored by Representative TUTTLE of Sanford) (Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BEAVERS of South Berwick, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CASAVANT of Biddeford, CHAPMAN of Brooksville, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CUSHING of Hampden, DILL of Old Town, DION of Portland, DRISCOLL of Westbrook, EBERLE of South Portland, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, INNES of

Yarmouth, KAENRATH of South Portland, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LOVEJOY of Portland, MacDONALD of Boothbay, MAZUREK of Rockland, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NELSON of Falmouth, O'BRIEN of Lincolnville, PEOPLES of Westbrook, PETERSON of Rumford, PRESCOTT of Topsham, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, VOLK of Scarborough, WAGNER of Lewiston, WELSH of Rockport, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, CRAVEN of Androscoggin, HILL of York, HOBBS of York, JACKSON of Aroostook, MASON of Androscoggin, PATRICK of Oxford, SAVIELLO of Franklin, SNOWE-MELLO of Androscoggin, SULLIVAN of York)

Health and Human Services

Bill "An Act To Reduce Opioid Overprescription, Overuse and Abuse" (H.P. 1102) (L.D. 1501) (Sponsored by Representative HINCK of Portland) (Cosponsored by Senator CRAVEN of Androscoggin and Representatives: EVES of North Berwick, FOSSEL of Alna, HASKELL of Portland, LUCHINI of Ellsworth, McFADDEN of Dennysville, PLUMMER of Windham, SANBORN of Gorham, STRANG BURGESS of Cumberland)

Insurance and Financial Services

Bill "An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act" (H.P. 1098) (L.D. 1497) (Sponsored by Representative McKANE of Newcastle) (Cosponsored by Senator WHITTEMORE of Somerset and Representatives: FITZPATRICK of Houlton, MORISSETTE of Winslow, PICCHIOTTI of Fairfield, RICHARDSON of Warren, Senator: SNOWE-MELLO of Androscoggin)

Bill "An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals" (H.P. 1099) (L.D. 1498) (Sponsored by Representative TREAT of Hallowell) (Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAIN of Orono, EVES of North Berwick, FLEMINGS of Bar Harbor, GRAHAM of North Yarmouth, KUMIEGA of Deer Isle, SANBORN of Gorham, Senators: ALFOND of Cumberland, CRAVEN of Androscoggin)

Judiciary

Bill "An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens" (H.P. 1097) (L.D. 1496) (Sponsored by Representative CHASE of Wells) (Cosponsored by Senator COLLINS of York and Representatives: CEBRA of Naples, CRAY of Palmyra, GILLWAY of Searsport, PILON of Saco, SARTY of Denmark, SHAW of Standish, WINSOR of Norway, Senator: SHERMAN of Aroostook)

Bill "An Act To Amend the Maine Business Corporation Act" (H.P. 1103) (L.D. 1502) (Sponsored by Representative PRIEST of Brunswick) (Cosponsored by Senator HASTINGS of Oxford and Representatives: DILL of Cape Elizabeth, FOSTER of Augusta, MALONEY of Augusta, MOULTON of York, NASS of Acton, ROCHELO of Biddeford, Senators: BLISS of Cumberland, WOODBURY of Cumberland)

State and Local Government

Bill "An Act Concerning Fees for Users of County Registries of Deeds" (EMERGENCY) (H.P. 1100) (L.D. 1499) (Sponsored by Representative COTTA of China) (Cosponsored by Senator KATZ of Kennebec and Representatives: BURNS of Alfred, HANLEY of Gardiner, MALABY of Hancock, MORISSETTE of Winslow, SARTY of Denmark, WEBSTER of Freeport) (Approved

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

Sincerely,
S/Heather J.R. Priest
Clerk of the House
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and ORDERED PLACED ON FILE.
Sent for concurrence.

The Following Communication: (H.P. 1108)

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

April 20, 2011

The Honorable Robert W. Nutting
Speaker of the House
125th Legislature
The Honorable Kevin L. Raye
President of the Senate
125th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 2011, 3 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 20, 2011, as follows:

Energy, Utilities and Technology

Bill "An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures" (H.P. 1107) (L.D. 1506) (Sponsored by Representative FITTS of Pittsfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Health and Human Services

Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation (H.P. 1105) (L.D. 1504) (Sponsored by Representative BERRY of Bowdoinham) (Cosponsored by President RAYE of Washington and Representatives: EVES of North Berwick, FOSSEL of Alna, GRAHAM of North Yarmouth, MALABY of Hancock, MARTIN of Eagle Lake, ROTUNDO of Lewiston, STRANG BURGESS of Cumberland, Senator: KATZ of Kennebec)

Labor, Commerce, Research and Economic Development

Bill "An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use" (EMERGENCY) (H.P. 1106) (L.D. 1505) (Sponsored by Representative CAIN of Orono) (Cosponsored by Senator RECTOR of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,
S/Heather J.R. Priest
Clerk of the House
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and ORDERED PLACED ON FILE.
Sent for concurrence.

The Following Communication: (H.C. 137)

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

April 14, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint Senator Bartlett, to the Joint Standing Committee on Judiciary, effective April 20, 2011. With this appointment the Senator from Cumberland, Senator Bartlett, will be replacing the Senator from Cumberland, Senator Bliss.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,
S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 138)

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

April 26, 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. 548 An Act To Provide Regular Funding for the Land for Maine's Future Fund

L.D. 599 An Act To Move the Land for Maine's Future Board to the Department of Conservation

L.D. 1249 An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas

Criminal Justice and Public Safety

L.D. 885 An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol

Marine Resources

L.D. 110 An Act To Support Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide

State and Local Government

L.D. 33 An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature

L.D. 113 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators

L.D. 1079 An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland

Taxation

L.D. 868 An Act To Reform Maine Revenue Services Procedures

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.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend the Sex Offender Registration Laws"
(H.P. 1117) (L.D. 1514)

Sponsored by Representative HASKELL of Portland.
Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BLODGETT of Augusta, BURNS of Whiting, CLARKE of Bath, HANLEY of Gardiner, PLUMMER of Windham, SANDERSON of Chelsea, Senators: MASON of Androscoggin, WHITTEMORE of Somerset.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act Regarding Information Provided to Consumers by Competitive Electricity Providers"

(H.P. 1113) (L.D. 1510)

Sponsored by Representative FITTS of Pittsfield.
Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

HEALTH AND HUMAN SERVICES

Bill "An Act To Impose a Lifetime Maximum on the Receipt of Welfare Benefits"

(H.P. 1114) (L.D. 1511)

Sponsored by Representative GUERIN of Glenburn.
Cosponsored by Representatives: BICKFORD of Auburn, EDGEComb of Caribou, ESPLING of New Gloucester, MORISSETTE of Winslow, O'CONNOR of Berwick, OLSEN of Phippsburg, SIROCKI of Scarborough.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Enhance Enforcement of Fish and Game Laws By Authorizing Maine To Enter into an Interstate Wildlife Violator Compact"

(H.P. 1112) (L.D. 1509)

Sponsored by Representative SARTY of Denmark.
Cosponsored by Representatives: CLARK of Millinocket, DAVIS of Sangerville, EBERLE of South Portland, GUERIN of Glenburn, SHAW of Standish, WOOD of Sabattus, Senators: MARTIN of Kennebec, TRAHAN of Lincoln.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Regarding Service Contracts"

(H.P. 1109) (L.D. 1507)

Sponsored by Representative CUSHING of Hampden.
Cosponsored by Senator PLOWMAN of Penobscot and Representatives: CURTIS of Madison, FITTS of Pittsfield,

KNIGHT of Livermore Falls, McCLELLAN of Raymond, MORISSETTE of Winslow, RICHARDSON of Warren.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

MARINE RESOURCES

Bill "An Act To Ensure Cultchless American Oyster Growers Licenses Are Issued by the Department of Marine Resources Only to Individuals Who Are Growers of American Oysters" (EMERGENCY)

(H.P. 1110) (L.D. 1508)

Sponsored by Representative WEBSTER of Freeport.
Cosponsored by Senator GERZOFKY of Cumberland and Representative: WEAVER of York.

TRANSPORTATION

Bill "An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations"

(H.P. 1115) (L.D. 1512)

Sponsored by Representative CEBRA of Naples.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Clarify the Maine State Lottery Agent Licensing Process"

(H.P. 1116) (L.D. 1513)

Sponsored by Representative CAREY of Lewiston.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

ORDERS

On motion of Representative COTTA of China, the following Joint Resolution: (H.P. 1111) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Cape Elizabeth, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGEComb of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW

of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WINTLE of Garland, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of May 1 through May 8, 2011 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, May 1, 2011; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration and April 26, 2011 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; 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, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge everyone to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

READ.

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

Representative CAIN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in honor of this recognition today of the Holocaust and Human Rights Center and particularly of Yom Hashoah, the Day of Remembrance. I want to thank and recognize Robert Bernheim, the Executive Director of the Holocaust and Human Rights Center at the University of Maine at Augusta. Because of the work that he does, the volunteers that he has and the support of the center, we are able to remember the past, to take the memory of those who did not survive alive and the stories of the survivors told for generations to come.

I don't have a personal connection necessarily to the Holocaust, but in November of 2009, my husband and I traveled to Israel for eight days. We toured the Kotel, the Old City, the Judean Desert and more. But one day we dedicated to a visit to Yad Vashem, which is Israel's Holocaust memorial museum and remembrance area of the city of Jerusalem. I can't describe to you the feeling that you have when you go there because I have been to the Holocaust Museum in Washington, D.C., I have been to events, I have been to remembrances, but to visit Yad Vashem is something special because its both a story of what happened, a story of what is, and a story of the potential of what can be. That's what I want to share with you today as we recognize Yom Hashoah.

Yad Vashem is a very intense experience. I spent more than four hours inside of a very long and winding museum that is

intentionally built to guide you through the story of the Holocaust. What led to it, what happened during it; the stories of survivors, the stories of the heroes who helped save people who were being persecuted. When you arrive at the end of a very emotional journey through the museum, you come to a balcony where you step outside, you breathe the outside air and you look out at the most glorious vision of Israel, and you don't have to be told what the point of the balcony is, but because you may not have been there, I will tell you.

It is about journeying through what happened in the past and coming to a point where you can see and appreciate the future, see and appreciate the potential and a future full of possibility, not only for the nation of Israel but for the entire world. It is a place I hope you all can visit some day, a place that has touched me deeply, and a place that compels me to rise today as we remember those who were impacted by the Holocaust, those who are the heroes of the Holocaust, and those who work today to continue the stories so that we will not forget. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSSEL**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are here today because of the idealism and sacrifice of those who came before us. I am Leslie Truman Fossel, Junior. My father joined the OSS before the war started to be ready. He fought behind enemy lines. I still have his passport entering occupied Europe through Portugal. He died of those injuries when I was very young.

My mother, Virginia Van Brunt, worked for Vogue in Paris before the war. Foreign correspondents' film of the concentration camps was being confiscated at the German border. My mother entered Nazi Germany to get pictures of those concentration camps out. I still have her passport with the swastika on it. She raised five boys alone with great pride. I am one of those boys. Thank you.

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. I present this Resolution and there are stories and those more eloquent in the Chamber than I. I would like to add though that as time passes and memories dim, that we never forget. This is a blight on the soul of humanity. We must remember, we must learn, we must be better. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I became a student of the Holocaust at a very early age and our thoughts are always, how can something like this happen? How can such a monstrous society do this? There was no way, I used to think, no way it could ever happen again. Yes, it is happening again. Therefore, that makes it even more important to remember, remember our history and work hard to make sure that this stops now and forever.

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. It is an honor for me to stand today and celebrate the survival of a friend and constituent, the survival of people who stood against overwhelming oppression and help us to remember what has taken place and what could take place and what does take place on a daily basis, that we witness or deny.

From the Resolution, it says, "WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish;..."

Mr. Speaker, I would encourage all of us to visit the Holocaust and Human Rights Center of Maine. It is a monument to memory, but it is more than that. It is a living place to help us remember that what has taken place still takes place.

I quote Henry Friedman, Chairman of the Holocaust Education Center, Washington: "We are all different; because of that, each of us has something different and special to offer and each and every one of us can make a difference by not being indifferent."

Mr. Speaker and Men and Women of the House, if you were to visit and look at the curriculum of the Human Rights Center, you would see that there are many discussions about us and them, what is different, and the fact that we are not. We are all one if we are willing to accept that. Unfortunately, our tendency is to forget.

I quote Richard von Weizsaecker: "There were many ways of not burdening one's conscience, of shunning responsibility, looking away, keeping mum. When the unspeakable truth of the Holocaust then became known at the end of the war, all too many of us claimed that they had not known anything about it or even suspected anything."

We still have in this state, in this world, the seeds of what took place, and it is our responsibility as leaders, each one of us in our own way, to ensure that we do not plant such seeds nor ever let them flourish again.

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

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in honor and in memory of the millions who were murdered in the Holocaust. We honor the survivors of the concentration camps. We honor the liberators, who, 65 years ago, in liberating prisoners from the Nazi concentration camps, witnessed scenes which would haunt them for the rest of their lives. Edward R. Murrow, reporting in a broadcast from Buchenwald concentration camp on April 15, 1945, said "I pray you to believe what I have said about Buchenwald. I have reported what I saw and heard, but only part of it. For most of it I have no words."

We are a country and a people who value freedom. We value equal rights for all. We honor differences in our country – and indeed, I believe that those individual differences and strengths are what make us a great nation. But one of the lessons of the Holocaust is how fragile freedom truly is. The Jews in Europe did not lose their freedom all at once – they lost it little piece by little piece. If you go to the Holocaust Memorial Museum in Washington, D.C., you can see how there were tiny pieces taken away, each one of which was a building of the entire loss of freedom. There were not enough people who had the courage to stop this curtailment of liberties until it was too late.

At the Holocaust Memorial Museum in Washington, D.C., there is a statement, a quotation, attributed to Pastor Martin Niemöller. It is one that I think is worthy to revisit regularly. "First they came for the socialists and I did not speak out – because I was not a socialist. Then they came for the trade unionists and I did not speak out – because I was not a trade unionist. Then they came for the Jews and I did not speak out – because I was not a Jew. Then they came for me – and there was no one left to speak for me." What we do does matter. What we say does matter. Speaking out and defending and protecting freedom does matter and respecting differences does matter.

I was a history major in college. I believe that we can learn much from studying history. I hope that we can all learn the lessons of this darkest of chapters in human history, and that we can build from that lesson a more tolerant and compassionate society for all. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following students of Thornton Academy, of Saco, who placed first in the Senior Division of Maine's National History Day, a distinction earned for offering the largest number of winning entries: Samantha Gardner, Timothy Morris, Mitchell Dehetre, Christopher Cassette, Gabrielle Capozzi, Alyssa McClellan, Andrew Libby, Cody Meserve, Alex Pickering, Robert Runnells, Zachary Greateon, Devin McGrath-Conwell, Raymond Ngo, David Parran, Kyle Strout, Christian Allaire, Jake Gregoire, Amber Grenier, Sophia Morin, Taylor Brilliant, Connor Mowatt, Nick Phillips, Christopher Benson, Britney D'Andrea, Kristin Cobleigh, Shelby DeAngelis, Mariah Fraser, Amber Grenier, Sam Hemenway, Lyssa King, Kyle Strout, Emily Lovejoy, Cody Lynn, Mira McKenney, Alexandria Muller, Nathan Zinck, Jessica Pearson, Kailey Prejean, Tom Walsh, Faith Welch, Lauren Whitney and Damion Taylor. They were led by teacher Seth Macomber. History Day is a national competition where students in grades 6 through 12 compete individually and in small groups by developing websites, performances, exhibits, documentaries and papers on various topics in history. The Thornton Academy students earned first place prizes in 5 out of the 7 categories in the competition. This year's theme was Debate and Diplomacy: Successes, Failures, Consequences. We congratulate the students and Mr. Macomber on achieving this high honor, and we send them our best wishes;

(HLS 258)

Presented by Representative BELIVEAU of Kittery.
Cosponsored by Senator HOBBS of York, Representative PILON of Saco, Representative VALENTINO of Saco.

On **OBJECTION** of Representative BELIVEAU of Kittery, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great pleasure to speak today to congratulate the ninth and tenth graders of Thornton Academy in Saco, to congratulate them for their second consecutive state championship in Maine History Day that took place last month at UMA. My favorite that I learned from my history teacher was from George Santayana who said "Those who forget the past are condemned to repeat it." That's my favorite quote that I now teach to my students.

The great thing about Maine National History Day is that it makes history engaging, it makes kids want to study it, and it makes kids want to learn about the atrocities in world history and keep those memories alive so we learn the lessons of history and we don't repeat them. We, as a state and as a nation, are very good at recognizing noteworthy athletic accomplishments and too often we can neglect to recognize academic accomplishments. So in that vein, I once again congratulate these young scholars for their great academic victory and I look forward to their Maine

National History Day three-peat in 2012. Thank you very much, Mr. Speaker.

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

Recognizing:

William E. Maxwell, of Waldoboro, on his being selected to receive the Community Citizen Award by the Meenahga Grange. Mr. Maxwell has been an active citizen of Waldoboro for many years. Having contributed significant amounts of time to numerous organizations, he has distinguished himself as one of Waldoboro's most caring and conscientious individuals. Mr. Maxwell's involvements include his service of 25 years to the Waldoboro Fire Department, his membership in the Waldoboro King Solomon's Lodge Masons and the Meenahga Grange No. 555 and his contributions to local athletic teams. We extend our congratulations to William E. Maxwell on his receiving this well-deserved honor, and we send him our best wishes;

(HLS 261)

Presented by Representative DOW of Waldoboro.
Cosponsored by Senator TRAHAN of Lincoln.

On **OBJECTION** of Representative DOW of Waldoboro, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the following members of the Leavitt Area High School Girls Basketball Team, who have won the 2011 Maine Class B State Championship: Courtney Anderson, Abbey Randall, Sarah Frost, Amanda Jordan, Adrianna Newton, Kasidy Stevenson, Kristen Anderson, Jenna Cote, Mariah Treadwell, Desiree Tweedie, Kelly Pomerleau and Megan Dow; coach Tammy Anderson; assistant coaches Charlie Castonguay and Jolene Randall; and managers Rosie Delegarza, Cordell Albert and Dakota Duncan. We extend our congratulations to the members of the team on this achievement;

(HLS 271)

Presented by Representative TIMBERLAKE of Turner.
Cosponsored by Senator MASON of Androscoggin, Representative WOOD of Sabattus, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative TIMBERLAKE of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my pleasure and honor to welcome the Maine Class B Girls Basketball State Champions from Leavitt Area High School and their coach, Tammy Anderson. Many of the girls on this team have played together since their early elementary basketball travel team, also under Coach Anderson. The seniors and juniors of the team had experienced the playing of a Class A Western Division in 2008-2009, ending the season with a 10-10 record and making it to the playoffs the following season. The school moved to Class B and the girls dominated their competition in the year of 2009-2010 and they finished their record 20-2. The past season, their many years of regular season and summer play together is more than apparent on the court where they consistently outscore their

opponents and finished not only with the state title but also a perfect 23-0 record.

The girls are led by Coach Anderson who played for the University of Southern Maine upon graduating from the University of Maine. She coached for two years at Maranacook before taking a break to raise her family. She later returned to coaching and has been the head coach for the girls program at Leavitt Area High School for the past seven years. Coach Anderson will be graduating only two seniors this year from her team, one of which is her daughter Courtney Anderson, who will be going to play at the University of Maine Orono. I have no doubt we'll be seeing the Leavitt Girls Basketball Team here again in the next few years to come and will have incredible depth and experience consisting of four returning juniors, four returning sophomores and two returning freshmen. Congratulations to the team for an outstanding season. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In 1991, I moved from Bryant Pond to Turner and became part of the Leavitt Area Girls Basketball Team and, at that point, we hadn't won, JV or Varsity, one game in four years as the girls. As the newcomer to the team I was totally terrified, shocked, and I got two minutes to play against Dirigo. Two minutes, that's it, and it was neck and neck. I was on JV. My Coach McFarland still put me in. He's like, it's JV, go in there, get them and god bless you. I scored the winning basket. The only basket I got that day was two points. Two minutes, two points, and it was the first game we had won in four years. Now I'm not going to say how many years later because that would be embarrassing, now the next generation is like kicking everybody's butt. So you know keep it up and fight like a girl.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to compliment this outstanding team as well. Not only are they terrific ballplayers, but they are great young ladies and they are a real pride to the community that they serve, Turner and Leeds, in my case, and the other small towns in the area of SAD 52.

When we have them rise to be recognized this morning, I recognize that basketball is a team sport. It truly is and no one succeeds without everybody working together, and they are coached by outstanding leaders in Coach Anderson and Charlie Castonguay and Jolene Randall. But I would like to have one young lady, when they rise, to put her hand up. Now this might be a little embarrassing for her, but if you've been watching our state university, they have really, really been struggling. I think they won four games this year. This young lady is going to go up to the University of Maine next year and I think is going to help turn that program around, and I am speaking of Courtney Anderson, the senior captain, one of the two young ladies who will be leaving the team. She only scored 1,445 points in her years at Leavitt, far more than the two that Representative Russell spoke of a few moments ago, and I think she is going to score a lot of points for Orono and return their program to where it belongs at the top of the league.

So I too rise and congratulate the entire team and the coaching staff. It has been a fantastic year, and there is one young lady from Leeds on that team and I don't think they could have done it without her there as well. So thank you, Mr. Speaker.

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

In Memory of:

Richard Clarence Mattila, of Caribou, former city manager and contributing member to many local organizations, including the Caribou Jaycees, Caribou Rotary Club and Knights of Columbus. Born in Milwaukee, Wisconsin, Mr. Mattila was a 1957 graduate of Pulaski High School and a graduate of the University of Wisconsin, Madison. Mr. Mattila was a United States Air Force veteran and had a career in banking that spanned nearly 3 decades, retiring as senior vice president of Bank of Boston. For 10 years Mr. Mattila served as city manager of Caribou. He was a 40-year member of Holy Rosary Church and served as president of the parish council. A past president of the Jefferson Cary Foundation, Mr. Mattila also volunteered at the area food pantry and delivered religious services and communion at the local veterans' home. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 262)

Presented by Representative EDGECOMB of Caribou.
Cosponsored by Senator JACKSON of Aroostook.

On **OBJECTION** of Representative EDGECOMB of Caribou, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to honor the memory of Richard Mattila. Mr. Mattila was a prominent and well respected leader in Caribou and Aroostook County. Our citizens were fortunate to be the recipients of his dedication.

In his role as City Manager, he always found time to talk with citizens and listen to their concerns. I enjoyed the low key conversations and discussions on current events that we had when Dick stopped at my place to get his Christmas tree.

Most of all, I remember how much Dick liked leading Rotarians in song at our weekly meetings. His joy of music was exhibited by his many performances with the Barber Shop group "The Maine Event." I want to thank the members of the "The Maine Event" who made the long trip down from Aroostook County today to sing the National Anthem to show their respect and love for their good friend Dick Mattila, who was a member of this group. Thank you, Mr. Speaker, for scheduling this time that is so much appreciated by the Richard Mattila family.

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

REPORTS OF COMMITTEE
Change of Committee

Representative MCKANE from the Joint Select Committee on **REGULATORY FAIRNESS AND REFORM** on Bill "An Act To Amend the Maine Administrative Procedure Act"

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

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass** on Bill "An Act To Prohibit Texting while Driving"

(S.P. 228) (L.D. 736)

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland
THOMAS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)** on same Bill.

Signed:

Representative:

WILLETTE of Mapleton

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-39)**.

READ.

Representative PARRY of Arundel moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students

(H.P. 708) (L.D. 964)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennyville

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass** Report.

READ.

Representative RICHARDSON of Carmel moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Resolve, Directing the Department of Environmental Protection To Work with the Town of Sanford To Develop a Plan To Clean Up Number One Pond in Sanford

(H.P. 745) (L.D. 1009)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

NASS of Acton

READ.

Representative HAMPER of Oxford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 will be supporting the pending motion on the Majority Report and I would like to thank Representative Nass for her support on this issue over the years.

Before I explain the purpose of this bill, I would like to take a moment to give this body a background of the situation of Number One Pond in Sanford. The pond was originally formed in 1791, when a dam built on the Mousam River impounded water at the current site. By 1944, the pond had taken its current form in the size of the pond covering 45.1 acres.

Around the turn of the 19th century, the Mousam River became known as the next location for millworks and operation and spawned Sanford's historical mill heritage. Today Number One Pond is currently used as a public park and wildlife refuge. It is an important community gathering area for a focal point for Sanford and the surrounding community. We host Fourth of July fireworks, fishing derbies, and recreational fishing as well as water-ski tournaments and recreational boating. In the winter, residents of Sanford use the pond for ice fishing and ice skating.

Unfortunately, due to several factors, the pond is in desperate need of cleanup. Laboratory sediment from a core that was collected by members of the Fish and Game Club in 2005 from the pond bottom indicated a very high organic content and heavy metals and PCBs. These cores also indicate approximately three feet deep. As I said before, we have worked with the committee, we have met with the commissioner of DEP, with town officials, and the committee has sent a letter to the Department of Environmental Protection on our concerns. Therefore, this legislation is no longer needed and I would ask you to support the Majority Report, Mr. Speaker.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"

(H.P. 99) (L.D. 117)

Signed:

Senators:

TRAHAN of Lincoln
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:

Representative:

BURNS of Alfred

READ.

On motion of Representative KNIGHT of Livermore Falls, 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:

(H.P. 338) (L.D. 445) Resolve, Directing the Department of Inland Fisheries and Wildlife To Study Scents Used in Hunting Deer and Renderings Used in Deer Feed Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 410) (L.D. 527) Bill "An Act To Bring Maine's Minimum Financial Responsibility Laws Pertaining to Rental Vehicles into Conformity with Privately Owned Vehicles" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 612) (L.D. 816) Bill "An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 796) (L.D. 1061) Bill "An Act To Amend the Lien Process for Unpaid Water Rates" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 853) (L.D. 1155) Bill "An Act To Allow Harness Racing Betting To Be Conducted at Class A Lounges" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 910) (L.D. 1219) Resolve, To Require the Department of Transportation To Designate the Park Street Bridge in the Town of Presque Isle the Gold Star Memorial Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 267) (L.D. 334) Bill "An Act To Promote Further Stability within the Workers' Compensation System by Extending the Number of Terms That May Be Served on the Maine Employers' Mutual Insurance Company Board of Directors" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)**

(H.P. 270) (L.D. 337) Bill "An Act To Make Technical Changes to Aquaculture Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)**

(H.P. 420) (L.D. 537) Bill "An Act To Expand Recertification Options for Certified Nursing Assistants" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)**

(H.P. 424) (L.D. 541) Bill "An Act To Clarify the Boundary between the Town of Cushing and the Town of Friendship" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)**

(H.P. 531) (L.D. 701) Bill "An Act To Amend Certain Laws Governing County Sheriffs" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)**

(H.P. 575) (L.D. 768) Bill "An Act To Amend the Laws Relating to Group Trusts Established by Group Self-insurers of Workers' Compensation Benefits" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)**

(H.P. 682) (L.D. 922) Resolve, To Streamline the Laws Governing Small Slaughterhouses (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)**

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

(H.P. 938) (L.D. 1279) Bill "An Act Relating to Qualified Financial Contracts by Domestic Insurers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

On motion of Representative RICHARDSON of Warren, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

**CONSENT CALENDAR
Second Day**

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

(S.P. 358) (L.D. 1183) Resolve, Directing the Maine Community College System To Extinguish Certain Easements

(S.P. 41) (L.D. 86) Bill "An Act To Provide Certainty to Businesses and Development" (C. "A" S-33)

(S.P. 120) (L.D. 416) Bill "An Act To Amend the Taste Testing of Wine Law" (C. "A" S-29)

(H.P. 94) (L.D. 112) Bill "An Act To Discourage Illegal Dumping in the State" (C. "A" H-97)

(H.P. 222) (L.D. 269) Bill "An Act To Implement a Maine Unemployment Insurance Work-sharing Program" (C. "A" H-91)

(H.P. 253) (L.D. 320) Bill "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock" (C. "A" H-98)

(H.P. 287) (L.D. 361) Resolve, To Evaluate the Energy Use of the State House (C. "A" H-92)

(H.P. 379) (L.D. 486) Bill "An Act To Clarify the Uniform Arbitration Act" (C. "A" H-94)

(H.P. 439) (L.D. 556) Bill "An Act Concerning Fish and Wildlife Program Funds" (C. "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" (C. "A" H-100)

(H.P. 562) (L.D. 755) Bill "An Act To Strengthen the Laws Regarding Dangerous Dogs" (C. "A" H-101)

(H.P. 579) (L.D. 772) Bill "An Act To Amend the Auditing Requirements for Accounts of All Water Utilities" (C. "A" H-93)

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

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

Bill "An Act To Allow Farm Wineries To Charge for Wine Tastings"

(S.P. 17) (L.D. 2)
(C. "A" S-25)

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 Clarify the Dig Safe Standards

(H.P. 325) (L.D. 407)
(C. "A" H-78)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act Relating to Access to Vital Records

(H.P. 211) (L.D. 258)
(C. "A" H-77)

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

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

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

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

An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities

(H.P. 412) (L.D. 529)
(C. "A" H-79)

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, Directing the Public Utilities Commission To Adopt Rules Affecting Utility Deposits

(S.P. 222) (L.D. 732)
(C. "A" S-28)

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 Thursday, April 14, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers"

(S.P. 428) (L.D. 1383)

- In Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**. **TABLED** - April 5, 2011 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - REFERENCE IN CONCURRENCE.

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

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

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

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

TABLED - April 14, 2011 (Till Later Today) by Representative PRESCOTT of Topsham.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Bill "An Act To Assist Maine Pharmacies"

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

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

TABLED - April 14, 2011 (Till Later Today) by Representative PRESCOTT of Topsham.

PENDING - **REFERENCE**.

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

COMMUNICATIONS

The Following Communication: (S.P. 472)

**STATE OF MAINE
125TH LEGISLATURE**

April 15, 2011

Honorable Kevin L. Raye

President of the Senate

125th Legislature

Honorable Robert W. Nutting

Speaker of the House

125th Legislature

Dear Mr. President and Mr. Speaker:

On April 15, 2011, 4 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 15, 2011, as follows:

Education and Cultural Affairs

Bill "An Act Regarding the Powers of the Director of the Maine State Museum Commission" (S.P. 469) (L.D. 1493) (Sponsored by Senator LANGLEY of Hancock) (Cosponsored by Representative RICHARDSON of Carmel and Representatives: JOHNSON of Greenville, LOVEJOY of Portland, RANKIN of Hiram, MAKER of Calais) (Submitted by the Maine State Museum pursuant to Joint Rule 204.)

Bill "An Act To Support Maine State Museum Accreditation" (S.P. 470) (L.D. 1494) (Sponsored by Senator LANGLEY of Hancock) (Cosponsored by Representative RICHARDSON of Carmel and Representatives: JOHNSON of Greenville, LOVEJOY of Portland, RANKIN of Hiram, MAKER of Calais) (Submitted by the Maine State Museum pursuant to Joint Rule 204.)

State and Local Government

Bill "An Act To Ensure Accountability in State Contracts" (S.P. 468) (L.D. 1492) (Sponsored by Senator ALFOND of Cumberland) (Cosponsored by Representative FLEMINGS of Bar Harbor and Senators: BARTLETT of Cumberland, GERZOFSKY of Cumberland, JACKSON of Aroostook, Representative: TREAT of Hallowell)

Transportation

Bill "An Act To Allow 45 Days To Register a Newly Acquired Motor Vehicle" (S.P. 471) (L.D. 1495) (Sponsored by Senator JACKSON of Aroostook) (Cosponsored by Senator: GERZOFSKY of Cumberland)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

S/Heather J.R. Priest

Clerk of the House

Came from the Senate, **READ and ORDERED PLACED ON FILE**.

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 474)

**STATE OF MAINE
125TH LEGISLATURE**

April 20, 2011

Honorable Kevin L. Raye

President of the Senate

125th Legislature

Honorable Robert W. Nutting

Speaker of the House

125th Legislature

Dear Mr. President and Mr. Speaker:

On April 20, 2011, 1 bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to a Joint Standing Committee on April 20, 2011, as follows:

Education and Cultural Affairs

Bill "An Act To Promote School Attendance and Increase School Achievement" (S.P. 473) (L.D. 1503) (Sponsored by Senator ALFOND of Cumberland) (Cosponsored by Senator: JACKSON of Aroostook, Representatives: RANKIN of Hiram, RICHARDSON of Carmel, WAGNER of Lewiston)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

S/Heather J.R. Priest

Clerk of the House

Came from the Senate, **READ and ORDERED PLACED ON FILE**.

READ and ORDERED PLACED ON FILE in concurrence.

SENATE PAPERS

Bill "An Act To Protect Consumer Information at the Efficiency Maine Trust"

(S.P. 478) (L.D. 1516)

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 Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects"

(S.P. 477) (L.D. 1515)

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.

The following Joint Resolution: (S.P. 475)

JOINT RESOLUTION, DESIGNATING THE WEEK OF APRIL 25, 2011 LOCAL SCHOOL BOARD RECOGNITION WEEK

WHEREAS, school boards are charged under law with the all-important responsibility of being accountable for the education of Maine children in order to prepare them for a rewarding and productive future; and

WHEREAS, school boards must articulate a vision and direction for their school districts, set high academic standards and approve the hiring of qualified staff most capable of making that vision a reality; and

WHEREAS, school boards must adopt a budget that balances student needs with the community's ability to pay and advocate for passage of that budget to ensure adequate funding to provide all children with the opportunity to learn; and

WHEREAS, all of these responsibilities and more are done by volunteer board members, who put in countless hours in meetings and in the community advocating for their schools, representing the interests of children, parents and all citizens of the district and preserving the valued tradition of local control over kindergarten to grade 12 public education; 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 designate the week of April 25, 2011 as Local School Board Recognition Week, and we encourage local school districts and community leaders to appropriately recognize dedicated school board members across the State.

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

READ and **ADOPTED** in concurrence.

open until such time as a suitable alternative for those personnel who depend upon them is available; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Robert Gates, Secretary of Defense, and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in 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. 91) (L.D. 311) Bill "An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-30)**

(S.P. 95) (L.D. 315) Bill "An Act Relating to the Status of a Private Investigator as an Independent Contractor" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

(S.P. 176) (L.D. 584) Bill "An Act To Appropriate Funds for the Maine Downtown Center" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-37)**

(S.P. 193) (L.D. 613) Bill "An Act To Clarify the Definition of 'Employment' in the Employment Security Law" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)**

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

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

On motion of Representative EDGECOMB of Caribou, the House adjourned at 11:36 a.m., until 10:00 a.m., Wednesday, April 27, 2011, in honor and lasting tribute to Richard Clarence Mattila, of Caribou.

The following Joint Resolution: (S.P. 476) **JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SECRETARY OF DEFENSE NOT TO CLOSE THE COMMISSARY AND EXCHANGE AT NAVAL AIR STATION BRUNSWICK**

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 United States Secretary of Defense as follows:

WHEREAS, at least 300 active duty personnel will remain in service within a 20-mile radius of Naval Air Station Brunswick; and

WHEREAS, United States Department of Defense policy states that commissaries and exchanges are an integral element of the pay and benefit package for active duty personnel; and

WHEREAS, the Defense Commissary Agency states that commissaries provide a military family an average annual savings of \$4,000; and

WHEREAS, commissaries and exchanges improve the quality of life of military families and positively affect military retention and recruitment; and

WHEREAS, based on Defense Eligibility Enrollment Reporting System data, more than 11,000 eligible patrons will reside within 20 miles of the site of Naval Air Station Brunswick; and

WHEREAS, we recognize the enormous sacrifices our active duty military members make, and military retirees have made, and it is extremely important to the citizens of Maine to maintain and improve the morale and welfare of these groups; and

WHEREAS, there is no other commissary or exchange within 20 miles or a 30-minute drive of Naval Air Station Brunswick; and

WHEREAS, sales at the exchange are projected to increase once the Armed Forces Reserve Center opens in Brunswick in 2012; and

WHEREAS, the local reuse committee is willing to rent space for the commissary at an affordable rate; and

WHEREAS, an exchange and commissary complement the plan of the local reuse committee and have the strong support of the surrounding communities; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Department of Defense keep the exchange and commissary at Naval Air Station Brunswick