

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

Second Regular Session

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Tuesday, January 31, 2012

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

Prayer by Reverend Mark Rustin, Hiram Community Church and North Deering Congregational Church, Portland.

National Anthem by Martin Swinger, Augusta.

Pledge of Allegiance.

Doctor of the day, Janis Petzel, M.D., Hallowell.

The Journal of Thursday, January 26, 2012 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 293)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 31, 2012

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 House Rule 201.1 (I) (a), I am rescinding the appointment of Representative David Slagger of the Houlton Band of Maliseet Indians to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and appointing him to the Joint Standing Committee on Inland Fisheries and Wildlife effective immediately. Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 295)

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

January 31, 2012

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:"

Criminal Justice and Public Safety

L.D. 1095 An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State

Education and Cultural Affairs

L.D. 980 An Act To Prohibit Cyberbullying in Public Schools

Energy, Utilities and Technology

L.D. 425 An Act To Stimulate Demand for Renewable Resources

Health and Human Services

L.D. 612 An Act To Provide Reimbursement for Medication Therapy Management Services

L.D. 646 An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications

Transportation

L.D. 1064 Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority

L.D. 1604 Resolve, Directing the Department of Public Safety, Bureau of State Police To Review Motor Vehicle Inspection Rules

L.D. 1642 Resolve, To Direct the Department of Transportation To Restrict Spending on the Ricker Hill Bridge in the Town of Turner (EMERGENCY)

L.D. 1677 An Act To Modernize Maine's Motor Vehicle Inspection Program

Veterans and Legal Affairs

L.D. 896 An Act To Adopt the Uniform Military and Overseas Voters Act

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

Sincerely,

S/Heather J.R. Priest

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 678)

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

January 26, 2012

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Nancy D. Carlson of Dixfield for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Evert N. Fowle, Jr. of Vassalboro for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable E. Paul Eggert of Portland for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Joseph H. Field of Freeport for appointment as an Active Retired District Court Judge.

Upon the recommendation of the Committee on Marine Resources, the nomination of Patrick C. Keliher of South Gardiner for appointment as the Commissioner of the Department of Marine Resources.

Sincerely,
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding the Collection of Fees for Prepaid Wireless Service"

(H.P. 1326) (L.D. 1799)

Sponsored by Representative FITTS of Pittsfield.

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

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations"

(H.P. 1327) (L.D. 1800)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Representatives: GILBERT of Jay, NEWENDYKE of Litchfield.

Submitted by the Department of Labor pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative STRANG BURGESS of Cumberland, the following Joint Order: (H.P. 1328)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, 4 bills pursuant to Resolve 2011, chapter 81:

1. "An Act To Amend the Laws Governing Confidentiality of Health Care Information";

2. "An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances";

3. "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"; and

4. "An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances."

READ.

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. I simply would like to share with you that these four bills are being introduced as a result of LD 1501, which was a Resolve, and we had a workgroup work over the summer and through this fall and reported back to the HHS Committee from the Substance Abuse

Services Commission. They came to us with about a four-inch binder thick of a lot of different suggestions and ideas that we can do to work on Maine's number one substance abuse issue. In fact, our opioid use in this state is nine times higher than the national average, and if that doesn't scare you, then I don't know what will. This commission came forward with a number of little fixes like many of the problems and challenges we have in our state. They are not solved by the perfect silver bullet. It takes many, many, many different fixes and we have four of them that this commission brought forward for consideration and they will be heading off to some different committees and I hope that you will all give them strong consideration when you see them come across your desks. Thank you very much.

Subsequently, the Joint Order was **PASSED.**

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Stonington Opera House, as it celebrates its 100th Anniversary of serving the community. The Stonington Opera House has served as a movie house, vaudeville stage, community center, basketball court and roller-skating rink, as well as a venue for high school graduations, town meetings, special events and other celebrations. The opera house is listed on the National Register of Historic Places and has provided many shared memories for the Deer Isle community. More recently, as the home of Opera House Arts for over a decade, its stage has showcased many different performances, garnering regional and national visibility and acclaim. We send our congratulations to the Stonington Opera House community on its centennial celebration and extend our best wishes for continued success;

(HLS 958)

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock, Representative CHAPMAN of Brooksville.

On **OBJECTION** of Representative KUMIEGA of Deer Isle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the Lewiston-Auburn CA\$H Coalition, a tax preparation leader in Maine's earned income tax credit coalitions for the 8th year in a row, on its receiving the 2012 Androscoggin County Chamber of Commerce Community Service Leadership Award. The Lewiston-Auburn CA\$H Coalition, a group of over 20 community partners in the Lewiston and Auburn area, promotes the earned income tax credit, which enhances family household budgets. We congratulate the Lewiston-Auburn CA\$H Coalition on its receiving this well-deserved award;

(HLS 959)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston, Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative BOLDUC of Auburn.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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 want to salute the work of the L-A CASH Coalition, which has been especially focused on advocating for and raising awareness for taxpayers around the Earned Income Tax Credit. The EITC is a federal tax benefit for low to moderate-income individuals who work. Workers eligible for the EITC can receive a tax credit up to \$5,751 in their 2011 federal tax return. It is one of the most successful antipoverty programs we have. The EITC is a wonderful example of public policy that targets a tax benefit at people who can use the money to support the everyday needs of their family. These are folks who put the tax savings into the local economy and help sustain jobs and businesses in our communities throughout Maine. And while it's an appropriately a mean-based tax benefit, it also appropriately focuses on low and moderate-income people who are working one, two or more jobs in order to get by. I send my special congratulations to the L-A Coalition that's been particularly successful in helping people to benefit from this tax credit. And I would encourage all of my colleagues in the chamber today to go downstairs at the end of our session to talk to representatives who can give you more information that you can share with your constituents about this wonderful tax credit. Thank you, Mr. Speaker.

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

Acts

An Act To Increase the Amount Tagging Agents Receive for Tagging Game

(H.P. 467) (L.D. 637)
(C. "B" H-683)

An Act To Improve the Administration of the Legislative Ethics Laws

(S.P. 350) (L.D. 1150)

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.

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

On motion of Representative ROTUNDO of Lewiston, the House adjourned at 10:29 a.m., until 10:00 a.m., Thursday, February 2, 2012.

CONSENT CALENDAR

First Day

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

(H.P. 1228) (L.D. 1638) Bill "An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

There being no objections, the above item was 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. 64) (L.D. 213) Bill "An Act To Provide Funding for the Fish Stocking Program" (C. "B" S-372)

(H.P. 1197) (L.D. 1592) Bill "An Act To Update the Laws Concerning the Maine School of Science and Mathematics"

(H.P. 1229) (L.D. 1639) Bill "An Act To Allow the Adjutant General To Address a Joint Session of the Legislature" (EMERGENCY)

(H.P. 1127) (L.D. 1535) Bill "An Act Relating to Fiscal Notes on Proposed Legislation" (C. "A" H-685)

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.

ENACTORS