

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
10th Legislative Day
Thursday, February 2, 2012

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

Prayer by Reverend Dr. Susan Stonestreet, United Christian Church, Lincolnville Center.

National Anthem by Madison Sturks, Rockland.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, MD, MPH, Scarborough.

The Journal of Tuesday, January 31, 2012 was read and approved.

SENATE PAPERS

Bill "An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education"

(S.P. 621) (L.D. 1801)

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. 297)

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

February 1, 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Pursuant to my authority under House Rule 201.1 (I) (a), I have rescinded the appointment of Representative Michael Celli of Brewer to the Joint Standing Committee on State and Local Government and have appointed Representative Richard M. Cebra of Naples to the Joint Standing Committee on State and Local Government 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. 298)

Date: January 31, 2012

To: Speaker of the House Robert W. Nutting

From: Representative David R. Burns

Subject: Letter of Resignation

It is with great regret that I inform you that I will be stepping down as the State Representative for House District 138 immediately based on the AG's decision to move forward and seek an indictment on my alleged Ethics Charges. I have, and will continue, to remain open and helpful to all those involved with the ongoing proceedings. I wish to thank you for your understanding and compassion as well as that of all leadership and my fellow

legislators from the onset of the investigation. I have truly enjoyed serving this great state and only hope for continued success and prosperity as time moves forward. I will always be thankful for the many folks I have had the opportunity to meet and work with and also like to wish them continued success as they embark on new paths to improve the quality of life here in Maine for its citizens and our vitally important business community.

Respectfully,

S/David R. Burns

State Representative

House District 138

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 299)

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

February 1, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Due to the resignation of Representative David R. Burns of Alfred and pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Windol C. Weaver of York to the Joint Standing Committee on Taxation effective immediately.

Furthermore, due to the resignation of Representative David R. Burns of Alfred and pursuant to my authority under House Rule 201.1 (J) (c), I have appointed Representative Windol C. Weaver of York to the Committee on Engrossed Bills 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. 296)

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

February 2, 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:"

Health and Human Services

L.D. 936 An Act To Conform Maine Menu Labeling Laws to Federal Standards

L.D. 1115 An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board

L.D. 1364 An Act To Improve the Quality and Reduce the Cost of Health Care

Marine Resources

L.D. 1674 Resolve, Directing the Department of Marine Resources To Examine the Role of 3rd-party Laboratories in Conducting Testing for the Department

State and Local Government

L.D. 769 An Act To Review the Functions of the State Planning Office

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

**Pursuant to Public Law
Public Utilities Commission**

Representative FITTS for the **Public Utilities Commission** pursuant to Public Law 2011, chapter 72 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Dig Safe Work Group"

(H.P. 1329) (L.D. 1803)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 37)

ORDERED, that Representative Mark N. Dion of Portland be excused January 10 and 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused January 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward J. Mazurek of Rockland be excused January 11, 19 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Wesley E. Richardson of Warren be excused January 24 for health reasons.

READ and **PASSED.**

**REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Statutes**

Representative NASS for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"

(H.P. 1330) (L.D. 1804)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

Sent for concurrence.

**Refer to the Committee on Judiciary
Pursuant to Statutes**

Representative NASS for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor"

(H.P. 1331) (L.D. 1805)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

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. 1264) (L.D. 1712) Bill "An Act Regarding the School Fund in the Town of Burlington" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 187) (L.D. 234) Bill "An Act To Provide a Sales Tax Exemption to Commercial Horticulturists" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-687)**

(H.P. 1209) (L.D. 1601) Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-686)**

(H.P. 1218) (L.D. 1609) Bill "An Act To Ensure the Safety of Bait Used in Maine's Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)**

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 item appeared on the Consent Calendar for the Second 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"

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

ENACTORS
Acts

An Act To Provide Funding for the Fish Stocking Program
(S.P. 64) (L.D. 213)
(C. "B" S-372)

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

The following 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 Tuesday, January 31, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Refer to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY)
(H.P. 1257) (L.D. 1705)

TABLED - January 24, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 623)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 7, 2012, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-688)** on Bill "An Act To Protect Legislative Intent in Rulemaking"

(H.P. 426) (L.D. 543)

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "C" (H-689)** on same Bill.

Signed:

Senator:

SULLIVAN of York

READ.

On motion of Representative COTTA of China, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-688)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 7, 2012.

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

On motion of Representative MAZUREK of Rockland, the House adjourned at 10:47 a.m., until 10:00 a.m., Tuesday, February 7, 2012 pursuant to the Joint Order (S.P. 623).