

MAINE STATE LEGISLATURE

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

Daily Edition

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
20th Legislative Day
Tuesday, February 28, 2012

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

Prayer by Pastor John P. Walsh, Eastbrook Baptist Church.

National Anthem by Jessica Granholm, Brunswick.

Pledge of Allegiance.

Doctor of the day, Janet Fowle, MD, FACEP, Edgecomb.

The Journal of Thursday, February 23, 2012 was read and approved.

Representative HAMPER of Oxford assumed the Chair.
The House was called to order by the Speaker Pro Tem.

COMMUNICATIONS

The Following Communication: (H.C. 317)

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

February 27, 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 Title 5, §20065, I am pleased to appoint Representative David C. Burns of Whiting to the Substance Abuse Services Commission.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 316)

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

February 28, 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:"

Labor, Commerce, Research and Economic Development

L.D. 1571 An Act To Amend the Laws Governing Workers' Compensation

L.D. 1600 An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws (EMERGENCY)

Transportation

L.D. 198 An Act To Update Motor Vehicle Safety Inspection Laws

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

Bill "An Act To Amend the Boothbay Region Water District Charter" (EMERGENCY)

(H.P. 1354) (L.D. 1834)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Senator JOHNSON of Lincoln.

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 Encourage Enrollment in High School Electrical Education Programs"

(H.P. 1353) (L.D. 1833)

Sponsored by Representative CUSHING of Hampden.

Cosponsored by Senator RECTOR of Knox and Representatives: Speaker NUTTING of Oakland, PRESCOTT of Topsham, RICHARDSON of Carmel, Senators: GERZOFISKY of Cumberland, MASON of Androscoggin, PLOWMAN of Penobscot, THIBODEAU of Waldo.

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

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. 1355)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill regarding prevention of obesity and overweight services under the Fund for a Healthy Maine.

READ.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I just wanted to give you a tiny explanation, that this is the result of a workgroup that worked over the summer and presented to the Health and

Human Services Committee recently, and out of that report we've issued several pieces of legislation and this is one of those that will then go through its regular bill process. It was a recommendation out of the task force and I look forward to explaining it to you more about it in the future. Thank you.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Mark Silber, of Sumner, on his retirement as a Selectman for the Town of Sumner after 29 years of dedicated service. Mr. Silber helped bring the town office into the 21st century with his computer knowledge, writing programs and keeping all the hardware up and running. He touched every family in town with his photographs of the residents and the town in his book *Sumner 200 - Portrait of a Small Maine Town*, celebrating the town's bicentennial. Hedgehog Hill Farm, a small farm owned and operated by Mr. Silber and his wife, Terry, was a landmark in western Maine, bringing people from all over the world to share their perennials, herbs and vegetable plants. A trip to the farm was an annual pilgrimage for many people and the State is more beautiful for all his hard work. He teaches social anthropology and photography at the University of Southern Maine and is photographing working people in order to preserve Maine's heritage. We send him our appreciation for his commitment to his community and to the State, and we send him our best wishes;

(HLS 1002)

Presented by Representative HAYES of Buckfield.
Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative HAYES of Buckfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Men and Women of the House. Every once in awhile you come across truly remarkable people who profoundly change a community. Mark Silber and his late wife Terry are two such people. Through their enlightened business practices, through their public service, through their friendship with their neighbors, they brought their community together and enriched it immeasurably. Many of us have benefited from Mark and Terry's generosity, wisdom, vision and compassion, and we will always be grateful to them. Thank you, Mr. Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's my honor and privilege today to stand and call to your attention Mark Silber who is here with us today. I met Mark when I moved to the community next door in Buckfield and have worked with him over the years as a selectman because I moderate town meetings. Sumner is a unique community in a number of ways, not only because Mark and his wife have lived there and have contributed in some very unique ways to that vibrant community. And they have their town meetings in August. How many of you have a town meeting in August in your districts? I would suspect that it's relatively rare. There are a number of unique pieces that come with that. Mark has schooled me on some of those over the

years. He is the definition of community service, and I am so pleased that he could be here with us today so that I could say these remarks on the record and also point out that the legacy that Mark will leave behind is a photo essay of his community that is a remarkable collection. I hope you all have the opportunity to take a look at it at some point. He can do magic with a camera. He could probably even make me look good and that would take a lot of doing. I'm very, very pleased and honored to recognize Mark today and there are some other guests here from Sumner who are celebrating this with us as well. Thank you very much.

Subsequently, the Sentiment was **PASSED** 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. 594) (L.D. 1735) Bill "An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 554) (L.D. 1655) Bill "An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-383)**

(H.P. 1249) (L.D. 1697) Bill "An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 448) (L.D. 590) Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-718)**

(H.P. 602) (L.D. 806) Bill "An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-719)**

(H.P. 722) (L.D. 978) Bill "An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-720)**

(H.P. 1226) (L.D. 1636) Bill "An Act To Extend Certain Insurance Protection to Emergency Responders" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-722)**

(H.P. 1227) (L.D. 1637) Bill "An Act To Permit Financial Institutions To Share Certain Information for the Purpose of Preventing Electronic Bank Card Losses and Other Fraud" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-717)**

(H.P. 1247) (L.D. 1695) Bill "An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-726)**

(H.P. 1250) (L.D. 1698) Bill "An Act To Establish Veterans Treatment Courts" (EMERGENCY) Committee on **JUDICIARY**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-729)**

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. 580) (L.D. 1681) Bill "An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation" (EMERGENCY) (C. "A" S-384)

(H.P. 1285) (L.D. 1743) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1321) (L.D. 1795) Bill "An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters"

(H.P. 1217) (L.D. 1608) Bill "An Act To Clarify the Laws Governing Pharmacy Interns" (C. "A" H-715)

(H.P. 1241) (L.D. 1689) Resolve, To Exempt Maple Sugarhouses from the 1,000-foot Setback Requirement of the Maine Land Use Regulation Commission (C. "A" H-716)

(H.P. 1306) (L.D. 1775) Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY) (C. "A" H-713)

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
House

Bill "An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits"

(H.P. 1352) (L.D. 1832)

House as Amended

Bill "An Act To Dedicate a Percentage of the Sales and Use Tax on Motor Vehicles and Motor Vehicle Parts to the Highway Fund"

(H.P. 45) (L.D. 52)

(C. "A" H-694)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Remove the Repeal Date for Outcome-based Forestry

(S.P. 597) (L.D. 1740)

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

0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education

(H.P. 1272) (L.D. 1723)

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. 120 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Expand the Capacity of York County Community College

(H.P. 457) (L.D. 627)

(C. "A" H-699)

An Act To Promote POW/MIA Recognition Day

(H.P. 1230) (L.D. 1640)

(C. "A" H-705)

An Act To Amend the Laws Governing the Pull Events Commission

(H.P. 1294) (L.D. 1759)

(C. "A" H-701)

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

Resolves

(10-6) Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System

(S.P. 628) (L.D. 1818)

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

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-724)** on Bill "An Act To Create Excise Tax Equity and Consistency for Buses"

(H.P. 1251) (L.D. 1699)

Signed:

Senators:

COURTNEY of York

HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

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

On motion of Representative HAMPER of Oxford, the House adjourned at 10:50 a.m., until 10:00 a.m., Wednesday, February 29, 2012.

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

Signed:

Representative:

BRYANT of Windham

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-724)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 29, 2012.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-727)** on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

(H.P. 1219) (L.D. 1610)

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton
WEAVER of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-728)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor

READ.

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

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