

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
4th Legislative Day
Thursday, January 6, 2011

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

Prayer by Reverend Roger E. Tracy, East Eddington Community Church.

Pledge of Allegiance.

Doctor of the day, Jamie Loggins, M.D., Auburn.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Regulate the Keeping of Wolf Hybrids" (EMERGENCY)

(S.P. 26) (L.D. 11)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance"

(S.P. 23) (L.D. 8)

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

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Clarify Joint Tenancy Reinstatement"

(S.P. 18) (L.D. 3)

Bill "An Act To Clarify the Method of Creating or Severing Joint Tenancy"

(S.P. 25) (L.D. 10)

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

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

Bill "An Act To Provide a Sales Tax Exemption for Bags Provided by Redemption Centers for Returnable Containers"

(S.P. 21) (L.D. 6)

Bill "An Act Concerning Taxation of Automobile Manufacturers' Rebates"

(S.P. 22) (L.D. 7)

Bill "An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation"

(S.P. 24) (L.D. 9)

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

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

Resolve, To Establish Training Routes for School Bus Drivers

(S.P. 19) (L.D. 4)

Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook (S.P. 20) (L.D. 5)

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

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

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

(S.P. 17) (L.D. 2)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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 Relating to Concealed Firearms Locked in Vehicles"

(H.P. 28) (L.D. 35)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Representatives: CLARK of Millinocket, CRAFTS of Lisbon, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, FITTS of Pittsfield, PLUMMER of Windham, SARTY of Denmark.

Bill "An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses"

(H.P. 30) (L.D. 37)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BURNS of Whiting, PLUMMER of Windham.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Holders of Junior Hunting Licenses To Take Antlerless Deer"

(H.P. 31) (L.D. 38)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: CRAY of Palmyra, CROCKETT of Bethel, GIFFORD of Lincoln, LIBBY of Waterboro, LUCHINI of Ellsworth, PARRY of Arundel, PLUMMER of Windham, RUSSELL of Portland.

JUDICIARY

Bill "An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor"

(H.P. 24) (L.D. 31)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CRAFTS of Lisbon, ESPLING of New Gloucester, O'CONNOR of Berwick, OLSEN of Phippsburg, PARRY of Arundel, SARTY of Denmark, SIROCKI of Scarborough, TIMBERLAKE of Turner.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Require an Independent Audit of State Government Every 4 Years"

(H.P. 25) (L.D. 32)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Senator LANGLEY of Hancock and Representatives: CHASE of Wells, CURTIS of Madison, DOW of Waldoboro, FITTS of Pittsfield, McKANE of Newcastle, SARTY of Denmark.

Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"

(H.P. 26) (L.D. 33)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representatives: CRAFTS of Lisbon, CURTIS of Madison, FITTS of Pittsfield, HARVELL of Farmington, McKANE of Newcastle, SARTY of Denmark, TILTON of Harrington, WEAVER of York.

TRANSPORTATION

Resolve, To Deauthorize the Naming of the Bridge over Pottagumpus Stream (EMERGENCY)

(H.P. 29) (L.D. 36)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator THOMAS of Somerset.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Require Candidates for Public Office To Provide Proof of Citizenship"

(H.P. 27) (L.D. 34)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representatives: CRAFTS of Lisbon, HARVELL of Farmington, LIBBY of Waterboro, McKANE of Newcastle, O'CONNOR of Berwick, SARTY of Denmark, SIROCKI of Scarborough, WEAVER of York.

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 Resolution: (H.P. 23)
(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, COTTA of China, 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, WALSH 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 Passamaquoddy Tribe, STEVENS of Bangor, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, 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, SNOWEMELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION DESIGNATING JANUARY 6, 2011 AS INFANT AND TODDLER AWARENESS DAY

WHEREAS, 14,000 children are born in Maine annually and all parents want their children to grow to be happy, healthy and well educated; and

WHEREAS, young children need positive relationships, rich learning opportunities and safe environments; and

WHEREAS, early experiences determine whether a child's brain architecture will provide a strong or weak foundation for all future learning, behavior and health; and

WHEREAS, the majority of the brain development essential for later academic success is defined by the time a child is 5 years of age; and

WHEREAS, positive experiences for children prior to entering school lead to better results than do remediation programs at a later age; and

WHEREAS, research shows that high-quality early learning programs cut later crime and improve educational outcomes and that children who attend high-quality early learning programs are less likely to commit crimes when they grow up; and

WHEREAS, research also shows that children in high-quality early learning programs learn to get along better with others and follow directions, which may reduce problem behavior that can lead to youth and adult crime; and

WHEREAS, high-quality early learning programs also show strong results for children in improving language and math skills, reducing grade retention and increasing graduation rates and this school success can lead graduates of high-quality early learning programs to have higher rates of employment and earnings; and

WHEREAS, the Maine Children's Growth Council and the Children's Cabinet are dedicated to improving the efficacy of the early childhood education system in Maine; 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 recognize that January 6, 2011 is Infant and Toddler Awareness Day in the State in order to acknowledge the importance of proper early childhood development for our infants and toddlers.

READ.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I am very pleased and honored to present a joint resolution to you today. It is printed in your House Calendar and it's designating today, January 6, as Infant and Toddler Day here in Maine. It's an awareness day and you all should have received information on your desks, a pink sheet inviting you all to join us from 1 to 3 today. We actually have a press conference at 1:15. There is a chance for you to hear some firsthand from a lot of folks who are very involved with our youngsters.

There are about 38 babies born every day in Maine, approximately 14,000 per year. Early childhood matters because early experiences can carry lifelong effects. Not just on learning and behavior but on physical and mental health, way into adulthood. Research tells us that if the baby attends a high-quality early care and gets good education and had loving, concerned and educated parents and caregivers that this child would be less likely to need remedial education, special education, etcetera. Also, less likely to be involved in crimes and more likely to attend college or additional education after high school, more likely to own a home, more likely to be generally prepared for life. The same young children are the future of Maine's workplace. There is a proven economic value in early childhood investments. Getting things right the first time is easier and much more effective than trying to fix them later. I invite you all to join us today in the Hall of Flags and to meet some of the very important people who are doing this work every day, right now, with our infants and toddlers. Thank you very much, 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 item:

Recognizing:

Frederick Bradley Lunt, Jr., of Clinton, for his years of service to the State of Maine and the agricultural fair industry. Mr. Lunt started his involvement with Maine's agricultural fairs when he took part in the annual Clinton Lions Club Agricultural Fair. He spent more than 40 years working within the industry, serving the past 12 years as the Agricultural Fair Coordinator. He spent many years as a member of the Board of Directors of the Maine Association of Agricultural Fairs, 2 of which were as President. He has also been a member of Maine's Board of Trustees for the Eastern States Exposition, most recently serving as the Treasurer. Mr. Lunt has contributed greatly to educating generations of children and young adults about the importance of agriculture to the State of Maine. His hard work and dedication are greatly appreciated by all and will be sorely missed in the years to come. We send him our congratulations and best wishes on his retirement;

(HLS 31)

Presented by Representative FOSTER of Augusta.

Cosponsored by Senator HASTINGS of Oxford, Senator MARTIN of Kennebec, Representative FITTS of Pittsfield.

On **OBJECTION** of Representative FOSTER of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues of the House. I have known Fred Lunt, affectionately known as "Fairground Freddy", for a number of years and I would be remiss if I didn't speak to his accomplishments. He served as agricultural fair coordinator for 12 years and has done an exceptional job promoting agricultural education around all the agricultural fairs in the State of Maine. Fred is from Clinton, Maine, has a wonderful sense of humor and is well respected by the Maine State Fair Association. I have come to know Fred through my involvement with Windsor Fair and the Maine State Fair Association, and I thank you, Mr. Speaker, for this opportunity.

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

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

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

SENATE PAPERS

The following Joint Order: (S.P. 27)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 11, 2011, at 10:00 in the morning.

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

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

On motion of Representative DAMON of Bangor, the House adjourned at 10:34 a.m., until 10:00 a.m., Tuesday, January 11, 2011 pursuant to the Joint Order (S.P. 27) and in honor and lasting tribute to Judson M. "Bud" Grant, Jr., of Bangor.