

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
24th Legislative Day
Tuesday, March 22, 2011

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

Prayer by Reverend Ira Ellis, Central Square Baptist Church, Portland.

National Anthem by Sammie Angel, Dixfield.

Pledge of Allegiance.

Doctor of the day, Donna Johnson, M.D., Bentonville, Arkansas.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative HASKELL of Portland to seat 100 and Representative THERIAULT of Madawaska to seat 103, effective immediately.

The Journal of Thursday, March 17, 2011 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Joint Order Establishing the Joint Select Committee on Health Care Costs

(H.P. 597)

READ and **PASSED** in the House on March 1, 2011.

Came from the Senate **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.P. 895)

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

March 7, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Enclosed please find my official certification to the 125th Legislature of the citizen initiative petition entitled "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County."

Sincerely,

S/Charles E. Summers, Jr.

Secretary of State

STATE OF MAINE
DEPARTMENT OF STATE

I, Charles E. Summers, Jr., Secretary of State, hereby certify that written petitions bearing signatures of 75,672 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 19, 2011, requesting that the Legislature consider an act entitled, "An Act To Amend the Laws Governing the Deadline and

Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 57,277.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the seventh day of March in the year two thousand and eleven.

S/CHARLES E. SUMMERS, JR.

Secretary of State

READ and with accompanying papers **ORDERED PLACED ON FILE**.

Sent for concurrence.

On motion of Representative BEAULIEU of Auburn, the accompanying Bill "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County"

(I.B. 2) (L.D. 1203)

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS**, ordered printed and sent for concurrence.

The Following Communication: (H.C. 103)

STATE OF MAINE

125TH MAINE LEGISLATURE

February 23, 2011

Chief Justice Leigh I. Saufley

Maine Supreme Judicial Court

P. O. Box 368

Portland, Maine 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 125th Maine Legislature on Thursday, March 24, 2011 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye

President of the Senate

S/Robert W. Nutting

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 104)

STATE OF MAINE

SUPREME JUDICIAL COURT

February 25, 2011

The Honorable Kevin L. Raye

President of the Senate

3 State House Station

Augusta, Maine 04333

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

I am pleased to accept your invitation to address a Joint Session of the 125th Maine Legislature. I understand there has been an

adjustment to the date, and I am looking forward to seeing you on Thursday, March 24, 2011, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on March 24, 2011.

Sincerely,
S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 105)
**HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 17, 2011

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:

This is to notify you that effective March 16, 2011, I resign as a member of the Joint Standing Committee on Judiciary.

Sincerely,
S/Wayne T. Mitchell

READ and ORDERED PLACED ON FILE.

**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:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Regarding Calculation of Benefits under Special Plans under the Maine Public Employees Retirement System"
(H.P. 922) (L.D. 1231)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Representatives: BLACK of Wilton, BURNS of Whiting, CRAFTS of Lisbon, FREDETTE of Newport, KESCHL of Belgrade, SARTY of Denmark, TIMBERLAKE of Turner.

Bill "An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency"
(H.P. 931) (L.D. 1240)

Sponsored by Representative FITTS of Pittsfield.
Cosponsored by Representatives: BERRY of Bowdoinham, CHAPMAN of Brooksville, CRAY of Palmyra, CURTIS of Madison, FOSSEL of Alna, HINCK of Portland, RUSSELL of Portland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Require That Marijuana Seized by Law Enforcement Officers Be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries"
(H.P. 883) (L.D. 1192)

Sponsored by Representative KRUGER of Thomaston.
Cosponsored by Representatives: DION of Portland, DOW of Waldoboro, Senator: LANGLEY of Hancock.

Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs"
(H.P. 892) (L.D. 1201)

Sponsored by Representative WILLETTE of Mapleton.

Cosponsored by Senator MASON of Androscoggin and Representative: THERIAULT of Madawaska, Senator: SHERMAN of Aroostook.

Resolve, Directing the Office of the State Fire Marshal To Amend Its Rules Relative to Construction Permit Applications
(H.P. 908) (L.D. 1217)

Sponsored by Representative MOULTON of York.
Cosponsored by Senator SULLIVAN of York and Representatives: BENNETT of Kennebunk, CHASE of Wells, HOGAN of Old Orchard Beach, MALABY of Hancock, PICCHIOTTI of Fairfield, RICHARDSON of Carmel, WEAVER of York.

Bill "An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies"
(H.P. 918) (L.D. 1227)

Sponsored by Representative BURNS of Whiting.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"
(H.P. 923) (L.D. 1232)

Sponsored by Representative LIBBY of Waterboro.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: AYOTTE of Caswell, CEBRA of Naples, CRAFTS of Lisbon, GIFFORD of Lincoln, LONG of Sherman, McFADDEN of Dennysville, O'CONNOR of Berwick, SIROCKI of Scarborough.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled"
(H.P. 888) (L.D. 1197)

Sponsored by Representative BURNS of Whiting.
Cosponsored by Senator THOMAS of Somerset and Representatives: CLARK of Easton, DAVIS of Sangerville, GUERIN of Glenburn, JOHNSON of Greenville, SARTY of Denmark, TURNER of Burlington, WILLETTE of Mapleton.

Bill "An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools"
(H.P. 897) (L.D. 1206)

Sponsored by Representative CLARK of Easton.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: EDGEComb of Caribou, WILLETTE of Mapleton, WILLETTE of Presque Isle.

Bill "An Act To Require That a Student Satisfactorily Complete a Course in Civics and Government To Receive a High School Diploma"
(H.P. 902) (L.D. 1211)

Sponsored by Representative NELSON of Falmouth.
Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, CAREY of Lewiston, DILL of Cape Elizabeth, FOSSEL of Alna, GILBERT of Jay, LOVEJOY of Portland, Senators: DIAMOND of Cumberland, KATZ of Kennebec.

Bill "An Act To Allow a Referendum Regarding School Choice within Regional School Unit No. 12"
(H.P. 905) (L.D. 1214)

Sponsored by Representative MacDONALD of Boothbay. (BY REQUEST)

Bill "An Act To Prohibit Bullying in Schools"
(H.P. 928) (L.D. 1237)

Sponsored by Representative MORRISON of South Portland.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BLODGETT of Augusta, CAREY of Lewiston,

CLARKE of Bath, HARLOW of Portland, NELSON of Falmouth, ROTUNDO of Lewiston, RUSSELL of Portland, VALENTINO of Saco.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Encourage Business Development by Limiting the Time a Utility May Hold a Business Customer's Deposit" (H.P. 882) (L.D. 1191)

Sponsored by Representative MacDONALD of Boothbay. Cosponsored by Senator BARTLETT of Cumberland and Representatives: BEAVERS of South Berwick, BOLDUC of Auburn, DILL of Old Town, KRUGER of Thomaston, KUMIEGA of Deer Isle, PEOPLES of Westbrook, RUSSELL of Portland, TREAT of Hallowell.

Bill "An Act To Create Jobs through Home Energy Efficiency" (H.P. 894) (L.D. 1204)

Sponsored by Representative CELLI of Brewer. Cosponsored by Representative: CASAVANT of Biddeford. Bill "An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects" (H.P. 925) (L.D. 1234)

Sponsored by Representative DUNPHY of Embden. Cosponsored by Senator WHITTEMORE of Somerset and Representatives: COTTA of China, DAVIS of Sangerville, O'CONNOR of Berwick, TIMBERLAKE of Turner, WINTLE of Garland, Senator: MARTIN of Kennebec.

Bill "An Act To Amend the Legislative Findings in the Maine Wind Energy Act" (H.P. 927) (L.D. 1236)

Sponsored by Representative DUNPHY of Embden. Cosponsored by Senator WHITTEMORE of Somerset and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, HARMON of Palermo, JOHNSON of Eddington, MALABY of Hancock, McCLELLAN of Raymond, TIMBERLAKE of Turner, WINTLE of Garland.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Exempt Small Distributors from Unclaimed Deposit Requirements" (H.P. 901) (L.D. 1210)

Sponsored by Representative HERBIG of Belfast. Cosponsored by Senator WOODBURY of Cumberland and Representatives: EBERLE of South Portland, GILLWAY of Searsport, HARLOW of Portland, O'BRIEN of Lincolnville, RIOUX of Winterport, WELSH of Rockport, Senator: BARTLETT of Cumberland.

HEALTH AND HUMAN SERVICES

Resolve, To Create Equitable Reimbursement for Mental Health Providers (H.P. 886) (L.D. 1195)

Sponsored by Representative ROTUNDO of Lewiston. Cosponsored by Representatives: PETERSON of Rumford, SANBORN of Gorham, STUCKEY of Portland, WEBSTER of Freeport.

Bill "An Act To Clarify Assistance for Persons with Acquired Brain Injury" (H.P. 887) (L.D. 1196)

Sponsored by Representative GOODE of Bangor. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: CAIN of Orono, DAMON of Bangor, EVES of North Berwick, PETERSON of Rumford, SANBORN of Gorham,

STEVENS of Bangor, STUCKEY of Portland, WILLETTE of Mapleton.

Bill "An Act To Improve Hospital Reporting of MRSA Data" (H.P. 903) (L.D. 1212)

Sponsored by Representative MALABY of Hancock. Cosponsored by Senator ROSEN of Hancock and Representatives: BENNETT of Kennebunk, DUNPHY of Embden, FOSSEL of Alna, FREDETTE of Newport, MOULTON of York, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough.

Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan" (H.P. 915) (L.D. 1224)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by President RAYE of Washington and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAVERS of South Berwick, BERRY of Bowdoinham, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, BURNS of Whiting, CELLI of Brewer, CHIPMAN of Portland, CLARK of Millinocket, CLARKE of Bath, COTTA of China, CURTIS of Madison, DAMON of Bangor, DAVIS of Sangerville, DILL of Cape Elizabeth, DION of Portland, EDGECOMB of Caribou, FITZPATRICK of Houlton, GILBERT of Jay, GRAHAM of North Yarmouth, HARLOW of Portland, HARMON of Palermo, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, KAENRATH of South Portland, KESCHL of Belgrade, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MARTIN of Eagle Lake, McCLELLAN of Raymond, McFADDEN of Dennysville, MORRISON of South Portland, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, RANKIN of Hiram, ROCHELO of Biddeford, ROSEN of Bucksport, RUSSELL of Portland, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, THERIAULT of Madawaska, TIMBERLAKE of Turner, TUTTLE of Sanford, VOLK of Scarborough, WAGNER of Lewiston, WOOD of Sabattus, Senators: COLLINS of York, COURTNEY of York, GERZOFSKY of Cumberland, HASTINGS of Oxford, HOBBS of York, LANGLEY of Hancock, MARTIN of Kennebec, RECTOR of Knox, SAVIELLO of Franklin, WOODBURY of Cumberland.

Bill "An Act To Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas" (H.P. 921) (L.D. 1230)

Sponsored by Representative BLODGETT of Augusta. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BOLAND of Sanford, EVES of North Berwick, GRAHAM of North Yarmouth, KNIGHT of Livermore Falls, SANBORN of Gorham, STEVENS of Bangor, Senator: SAVIELLO of Franklin.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow Early Deer Hunting for Senior Hunters" (H.P. 899) (L.D. 1208)

Sponsored by Representative CRAFTS of Lisbon. Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, DAVIS of Sangerville, TIMBERLAKE of Turner.

Bill "An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers" (H.P. 900) (L.D. 1209)

Sponsored by Representative CRAFTS of Lisbon.

Cosponsored by Senator MASON of Androscoggin and Representatives: BICKFORD of Auburn, BLACK of Wilton, BURNS of Alfred, DAVIS of Sangerville, FREDETTE of Newport, TIMBERLAKE of Turner, WOOD of Sabattus.

Bill "An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine"

(H.P. 933) (L.D. 1242)

Sponsored by Representative BURNS of Whiting.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: AYOTTE of Caswell, CLARK of Millinocket, DAVIS of Sangerville, FITTS of Pittsfield, HARMON of Palermo, Senator: THOMAS of Somerset.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Authorize the Health Care Choice Compact To Permit the Purchase of Health Insurance from New Hampshire"

(H.P. 891) (L.D. 1200)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: FITZPATRICK of Houlton, KNAPP of Gorham, MORISSETTE of Winslow, PICCHIOTTI of Fairfield, RICHARDSON of Warren, Senator: WHITTEMORE of Somerset.

Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products"

(H.P. 906) (L.D. 1215)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator JACKSON of Aroostook and Representatives: GUERIN of Glenburn, HARLOW of Portland, LONGSTAFF of Waterville, MALONEY of Augusta, NEWENDYKE of Litchfield, O'CONNOR of Berwick.

Bill "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers"

(H.P. 913) (L.D. 1222)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: EVES of North Berwick, GRAHAM of North Yarmouth, PETERSON of Rumford, SANBORN of Gorham.

Bill "An Act To Require Health Insurance Coverage for Hearing Aids for Adults"

(H.P. 920) (L.D. 1229)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by Representative: PETERSON of Rumford.

Bill "An Act To Prohibit Enforcement by a Federal or State Official of the Federal Patient Protection and Affordable Care Act"

(H.P. 924) (L.D. 1233)

Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CEBRA of Naples, CRAFTS of Lisbon, CRAY of Palmyra, GIFFORD of Lincoln, O'CONNOR of Berwick, PARKER of Veazie, SIROCKI of Scarborough, Senator: COURTNEY of York.

Bill "An Act To Further Expand Access to Oral Health Care by Requiring Insurance Coverage for Services Performed by Denturists"

(H.P. 930) (L.D. 1239)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CLARK of Millinocket, GILBERT of Jay, Senator: SAVIELLO of Franklin.

JUDICIARY

Bill "An Act To Strengthen Confidentiality Laws for Child Victims of Crime"

(H.P. 884) (L.D. 1193)

Sponsored by Representative WILLETTE of Mapleton.

Cosponsored by Senator: MASON of Androscoggin.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act Regarding Contracts Awarded by the Maine State Housing Authority for the Installation or Servicing of Energy-efficient Appliances in Low-income Households"

(H.P. 885) (L.D. 1194)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Senator FARNHAM of Penobscot and Representatives: BICKFORD of Auburn, DOW of Waldoboro, LAJOIE of Lewiston, NASS of Acton, PRESCOTT of Topsham, WEAVER of York.

Bill "An Act To Amend the Labor Laws Relating to Certain Agricultural Employees"

(H.P. 898) (L.D. 1207)

Sponsored by Representative CRAFTS of Lisbon.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, BURNS of Alfred, FREDETTE of Newport, LIBBY of Waterboro, NEWENDYKE of Litchfield, WINTLE of Garland, WOOD of Sabattus.

Bill "An Act To Establish the Maine Back to Work Program"

(H.P. 929) (L.D. 1238)

Sponsored by Representative BICKFORD of Auburn.

Cosponsored by Senator THOMAS of Somerset and Representatives: BERRY of Bowdoinham, COTTA of China, CRAFTS of Lisbon, DION of Portland, GIFFORD of Lincoln, KNIGHT of Livermore Falls, WEAVER of York, WILLETTE of Mapleton.

Bill "An Act To Remove the Requirement That Employers Offer Substance Abuse Services to Employees Who Fail Drug Tests"

(H.P. 932) (L.D. 1241)

Sponsored by Representative BICKFORD of Auburn.

Cosponsored by Senator ROSEN of Hancock and Representatives: BEAULIEU of Auburn, BURNS of Whiting, ESPLING of New Gloucester, GIFFORD of Lincoln, MALABY of Hancock, TUTTLE of Sanford, WEAVER of York, WINTLE of Garland.

Bill "An Act To Allow a Tax-free Employee Illness Account"

(H.P. 926) (L.D. 1235)

Sponsored by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec and Representatives: BEAULIEU of Auburn, BOLAND of Sanford, DILL of Old Town, HARVELL of Farmington, KESCHL of Belgrade, RICHARDSON of Warren, WILLETTE of Presque Isle.

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

On motion of Representative PRESCOTT of Topsham, **TABLED** pending **REFERENCE** and later today assigned.

MARINE RESOURCES

Bill "An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited"

(H.P. 909) (L.D. 1218)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator HILL of York and Representatives: BENNETT of Kennebunk, GILLWAY of Searsport, HOGAN of Old Orchard Beach, McKANE of Newcastle, MOULTON of York, PARRY of Arundel, WEAVER of York, Senator: COLLINS of York.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Provide Funding for a Convention Center or Civic Center in Cumberland County"

(H.P. 904) (L.D. 1213)

Sponsored by Representative PLUMMER of Windham.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BRYANT of Windham, CORNELL du HOUX of Brunswick, DRISCOLL of Westbrook, HASKELL of Portland, MORRISON of South Portland, PEOPLES of Westbrook.

Bill "An Act To Improve the Workplace for State Employees" (EMERGENCY)

(H.P. 911) (L.D. 1220)

Sponsored by Representative WILLETTE of Presque Isle.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Easton, EDGEComb of Caribou, GIFFORD of Lincoln, GOODE of Bangor, WILLETTE of Mapleton.

Bill "An Act To Encourage Prompt Payments by the State When It Contracts with Outside Agencies"

(H.P. 912) (L.D. 1221)

Sponsored by Representative MOULTON of York.

Cosponsored by Senator SULLIVAN of York and Representatives: CROCKETT of Bethel, EVES of North Berwick, GILLWAY of Searsport, HARVELL of Farmington, PILON of Saco, WINSOR of Norway, Senator: COLLINS of York.

Bill "An Act Regarding Credit Card Transactions for InforME Services"

(H.P. 914) (L.D. 1223)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Senator KATZ of Kennebec and Representatives: CHIPMAN of Portland, COTTA of China, GILLWAY of Searsport, KNIGHT of Livermore Falls, MORISSETTE of Winslow, NEWENDYKE of Litchfield, PICCHIOTTI of Fairfield, SANDERSON of Chelsea.

TAXATION

Bill "An Act To Provide Economic Incentives to Businesses for the Collection of State Taxes"

(H.P. 896) (L.D. 1205)

Sponsored by Representative McCLELLAN of Raymond.

Cosponsored by Senator HASTINGS of Oxford and Representatives: BLACK of Wilton, DOW of Waldoboro, DUNPHY of Embden, HARMON of Palermo.

Bill "An Act To Impose an Excise Tax on the Extraction of Water for Bottling"

(H.P. 907) (L.D. 1216)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Representatives: HARLOW of Portland, HINCK of Portland.

Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention"

(H.P. 916) (L.D. 1225)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by President RAYE of Washington and Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BERRY of

Bowdoinham, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, BURNS of Whiting, CELLI of Brewer, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARKE of Bath, CURTIS of Madison, DAMON of Bangor, DAVIS of Sangerville, DILL of Cape Elizabeth, DION of Portland, EDGEComb of Caribou, ESPLING of New Gloucester, FITZPATRICK of Houlton, FOSTER of Augusta, GILBERT of Jay, GRAHAM of North Yarmouth, GUERIN of Glenburn, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, KAENRATH of South Portland, KESCHL of Belgrade, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MARTIN of Eagle Lake, McCLELLAN of Raymond, McFADDEN of Dennysville, MORRISON of South Portland, NELSON of Falmouth, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, RANKIN of Hiram, ROCHELO of Biddeford, ROSEN of Bucksport, RUSSELL of Portland, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, THERIAULT of Madawaska, TIMBERLAKE of Turner, TUTTLE of Sanford, VOLK of Scarborough, WAGNER of Lewiston, WILLETTE of Mapleton, WOOD of Sabattus, Senators: COLLINS of York, COURTNEY of York, GERZOFKY of Cumberland, HASTINGS of Oxford, HOBBINS of York, LANGLEY of Hancock, MARTIN of Kennebec, RECTOR of Knox, SAVIELLO of Franklin, SCHNEIDER of Penobscot.

Bill "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

(H.P. 917) (L.D. 1226)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BERRY of Bowdoinham, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, BURNS of Whiting, CAREY of Lewiston, CELLI of Brewer, CHIPMAN of Portland, CLARK of Millinocket, CLARKE of Bath, CUSHING of Hampden, DAMON of Bangor, DILL of Cape Elizabeth, DION of Portland, EDGEComb of Caribou, FITZPATRICK of Houlton, GILBERT of Jay, GRAHAM of North Yarmouth, GUERIN of Glenburn, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, KAENRATH of South Portland, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, McFADDEN of Dennysville, MORRISON of South Portland, PARKER of Veazie, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, RANKIN of Hiram, ROCHELO of Biddeford, ROSEN of Bucksport, RUSSELL of Portland, STEVENS of Bangor, THERIAULT of Madawaska, TIMBERLAKE of Turner, TUTTLE of Sanford, VOLK of Scarborough, WAGNER of Lewiston, WOOD of Sabattus, Senators: GERZOFKY of Cumberland, HOBBINS of York, WOODBURY of Cumberland.

Bill "An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil"

(H.P. 893) (L.D. 1202)

Sponsored by Representative HARVELL of Farmington.

Committee on **TAXATION** suggested.

On motion of Representative BERRY of Bowdoinham, the Bill was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act To Require Bicyclists To Contribute to the Improvement of Bikeways"

(H.P. 880) (L.D. 1189)

Sponsored by Representative SARTY of Denmark.
Cosponsored by Senator COLLINS of York and Representatives: BRYANT of Windham, CEBRA of Naples, COTTA of China, DAVIS of Sangerville, JOHNSON of Greenville, PLUMMER of Windham, SHAW of Standish.

Resolve, To Require the Department of Transportation To Designate the Park Street Bridge in the Town of Presque Isle the Gold Star Memorial Bridge

(H.P. 910) (L.D. 1219)

Sponsored by Representative WILLETTE of Presque Isle.
Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Easton, COTTA of China, HARVELL of Farmington, WILLETTE of Mapleton.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Support Maine Veterans Nonprofit Corporations"

(H.P. 881) (L.D. 1190)

Sponsored by Representative CORNELL du HOUX of Brunswick.
Cosponsored by Senator PATRICK of Oxford and Representatives: CAREY of Lewiston, COTTA of China, CROCKETT of Bethel, DUNPHY of Embden, PRIEST of Brunswick, RUSSELL of Portland, Senator: JACKSON of Aroostook.

Bill "An Act To Reduce Regulations for Residential Rental Property Owners"

(H.P. 889) (L.D. 1198)

Sponsored by Representative PICCHIOTTI of Fairfield.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: COTTA of China, FITTS of Pittsfield, LONGSTAFF of Waterville, MCKANE of Newcastle, MORISSETTE of Winslow, RICHARDSON of Warren, SANDERSON of Chelsea, Senator: WHITTEMORE of Somerset.

Bill "An Act To Expedite the Eviction Process in Certain Types of Cases"

(H.P. 890) (L.D. 1199)

Sponsored by Representative CELLI of Brewer.

Bill "An Act To Streamline the Liquor Licensing Reporting Procedure"

(H.P. 919) (L.D. 1228)

Sponsored by Representative O'BRIEN of Lincolnville.
Cosponsored by Representatives: BRYANT of Windham, CAREY of Lewiston, FITTS of Pittsfield, HARVELL of Farmington, RICHARDSON of Warren, RUSSELL of Portland, TIMBERLAKE of Turner, Senator: LANGLEY of Hancock.

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

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 934) (Cosponsored by Senator JACKSON of Aroostook)

JOINT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF EAGLE LAKE

WHEREAS, within the beauty of Aroostook County, the largest county in Maine, lies the picturesque Town of Eagle Lake; and

WHEREAS, Eagle Lake is characterized by ruggedly sloping land dissected by brooks and streams as they flow into the pristine Fish River and the beautiful Eagle Lake, displaying a visually breathtaking area of Maine; and

WHEREAS, in 1839, when Major Hastings Strickland set out with soldiers for the northeastern border of Maine and encamped on the border of this lake where a large number of white-headed eagles were flying, they decided to name it Eagle Lake; and

WHEREAS, the first permanent settlements in this area were made in 1840 by Sefroi Nadeau, a Frenchman, and Richard Woods, an Irishman, and in 1856 Eagle Lake was organized as a plantation; and

WHEREAS, by 1870, the population had increased to 143 people and by 1890 to 233 inhabitants, with schools, mills and stores, and as business and the town prospered, Eagle Lake was incorporated as a town in 1911; and

WHEREAS, during World War II, Eagle Lake was proud that a quarter of its population was in uniform or working in some war effort; and

WHEREAS, Eagle Lake continues to flourish as a community in northern Maine, with a population estimated in 2000 at over 800, 49% of whom speak French, reflecting Maine's proud Franco-American heritage; and

WHEREAS, as it begins its second century this beautiful town exemplifies the spirit, pride and strength of the State of 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, take this occasion to recognize the Centennial Anniversary of the Town of Eagle Lake and to extend best wishes to its citizens for continued success; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

READ and ADOPTED.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Mandate That the School Year Not Begin before September 1st"

(S.P. 108) (L.D. 395)

Signed:

Senators:

ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland

MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)** on same Bill.

Signed:
Senator:
LANGLEY of Hancock

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-8)** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative RICHARDSON of Carmel, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense" (S.P. 37) (L.D. 64)

Signed:
Senator:
DIAMOND of Cumberland

Representatives:
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
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-4)** on same Bill.

Signed:
Senators:
COLLINS of York
THOMAS of Somerset

Representatives:
CEBRA of Naples
PARRY of Arundel
WILLETTE of Mapleton

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**.
READ.

Representative CEBRA of Naples moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Could somebody please explain what this bill is doing?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this bill does basically is that it takes the primary seat belt law that we have now in the State of Maine, as a primary offense, and makes it a secondary offense, and basically it waters down the bill tremendously. Mr. Speaker, may I also add a few other comments?

The SPEAKER: The Representative may continue.

Representative **MAZUREK**: Thank you, Mr. Speaker. I am hoping that the people of this House will vote as the majority voted to Ought Not to Pass. The seat belt law has been in effect since 2008 and there have been a lot of people who have spoke out for and against it. I'm looking for a note right now, and, if I can find it, I'll be right with you. In our meetings dealing with this, these are the people who have spoken out in favor of retaining our seat belt law. The Bureau of Highway Safety, LifeFlight of Maine, a number of doctors, nurses, medical people, Maine Driver Ed and Traffic Safety Education Association, AAA of Northern New England, the Maine Chiefs of Police Association, the Maine Orthopedic Association, the Maine Public Health Association, the Maine Association of Insurance Companies, General Motors, the Alliance of Automobile Manufacturers, and the Maine Nurse Practitioner Association are just a few of the people who spoke saying that we should retain our bill, keep it as a primary offense.

We also have to look at the cost of what we're talking about. If we do away with this and make it a secondary offense, we're talking approximately \$1.5 million it will cost the State of Maine. There will also be a significant increase in the cost of Medicare at the time when we least can afford it. Just in safety alone, in the year 2009, over 70 deaths were prevented because of the seat belt law on the books, a law that requires us to buckle in our children. Now for some reason, when we reach the magical age of 18, we're now going to say we don't have to buckle in. I don't know if our heads got any harder. I don't understand why. But I think that we're talking about safety here and I really strongly would urge that Maine retains this seat belt law. Thirty-six states have had it. No state has considered repealing it except Maine. Why step backwards? Why move back when we should be moving forward? Doctors, nurses, people, all have testified very strongly in support of it. It saves lives, it saves injuries. It is something that we should really maintain, so I am asking the people of this Legislature to stop and think. Do we want to go back, move backwards, or are we going to move forward? Please keep this bill intact. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. I just would like to clarify a few items in relationship to this bill. First, I

hold in my hand and I know I'm not supposed to show it, but I have a fiscal note on this bill. It looks like \$650,000, not \$1.5 million. When the people came to testify on this bill before the Transportation Committee, quite a few organizations lined up opposed to this, quite a few citizens from the public came and testified in favor of it. It is interesting when I look at the fiscal note on this bill, that when the original bill was passed a couple years back it was a secondary offense in Maine and the bill to make it a primary offense, there was no fiscal note attached to that. So it is amazing how this has suddenly become a moneymaker in fine money.

What I would like to also say, Mr. Speaker, to clarify the point, is that this does not remove the requirement to wear a seat belt in the State of Maine. I will say it again. It does not remove the requirement to wear a seat belt in the State of Maine. This bill would just remove the requirement, or the piece of law, that says that a law enforcement officer could pull you over for such an offense. It would put it back to being a secondary offense, so if they pulled you over for something else, this would be a secondary offense if you weren't wearing a seat belt.

As far as public safety, I've heard statistics on both sides that say it's done nothing and I've heard statistics that say it's been a great thing. But as far as my personal liberties are concerned, I prefer to have the police not be able to pull me over for this. I think that having heard from numerous constituents, out on the trail as they say, as well as emails and phone calls, I've heard from dozens of constituents who don't like the fact that it's a primary offense and I've heard from a couple of constituents who believe that it should be a primary offense. So I believe this is one of those issues that you need to decide for yourself where you stand, and I know where I stand and that would be in favor of the restoration of it being a secondary offense. Thank you, Mr. Speaker.

Representative MARTIN of Eagle Lake moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I need to know, can I continue to speak on this subject or is debate halted at this point?

The SPEAKER: The Chair would inform the Representative he may proceed.

Representative **BURNS**: Thank you, Mr. Speaker. I understand the concern about this bill. I understand the concern about trying to make it a secondary offense, and the concern about intrusion into our lives when it comes to us and our safety. I share some of those concerns on a lot of those issues. But on this particular issue here, to me, it is in fact a no-brainer. We have come a long way in this state and in this country since the campaign to get people to use seat belts started. We saved thousands of lives. To go backwards now, I think, would be a terrible mistake. We now have a generation of people that are used to getting into a vehicle and buckling up, just as we're used to taking our infants and our young children and putting them in a car seat. I can't imagine going back to the days when kids were all over the place, people had no restraints in their vehicles, whether they wanted them or not. I remember those days when I started police work. It was a rare occasion to see anybody in a restraint device, a seat belt, even though we were required to

wear them as soon as they were equipped in our vehicles and that was for a reason.

I'm not concerned about the fiscal note. I don't look at public safety laws as a means of making money. I am concerned, however, about the incredible cost and I'll just quote one statistic from AAA that was done as a matter of reviewing 76 Maine Medicaid car crashes that involved patients under Medicaid, \$3.2 million in cost to the public. That's an incredible amount of money and that was just in, I believe, 2009. If this situation is important enough to put in a law, which we saw fit to do, then it's also important enough to enforce. I don't know professional officers that would use this as a method to stop your vehicle to check for something else. I'm not saying that doesn't happen, but that's not professional law enforcement. I do know, Mr. Speaker, of many law enforcement officers. In fact, most that I know agree this is a very important law. They know and they believe that because they see firsthand the number of lives that it saves. You will always have the argument, well, if that person hadn't been in a seat belt, they might have walked away from that crash. I am here to tell you statistically that is not a fact, that is a rare occasion. I have seen many accidents and the majority of them, the majority of them were people wearing seat belts have saved people from serious injury and death. So I go back to the same premise. If this issue is important enough to have it in statute, which we saw fit to do, then it is important enough to allow your police officers to enforce and the way that you do that is to have it as a primary offense.

When I started police work in the '70s, there was no such thing as a primary or secondary offense. If it was on the statute, if you folks saw fit to put it in statute then we were asked and we were charged as police officers to enforce it, and that's what you're supposed to do. So some reason we got into this gray area of, well, it's a law but it's not that important a law, so we'll call it a secondary offense.

I guess my final argument to this is if it's not significant enough to enforce, then let's repeal the law all together, let's go back to education and see if that meets the requirements and the needs in order to save lives on the highway. I don't think that's the answer but rather than calling it a law that's really not important enough to be a primary offense, let's just make it a recommendation. I urge you folks to follow my light.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR
First Day**

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

(S.P. 34) (L.D. 61) Bill "An Act Implementing a Fisheries Permit Banking Program" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(S.P. 65) (L.D. 214) Bill "An Act To Establish Governor William King Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-6)**

(S.P. 177) (L.D. 594) Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)**

(H.P. 390) (L.D. 497) Bill "An Act To Amend the Powers and Duties of Municipal Treasurers" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 40) (L.D. 47) Bill "An Act To Amend the Laws Governing Access to State and State Aid Highways To Allow a Break in a Control of Access" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-21)**

(H.P. 65) (L.D. 77) Bill "An Act To Include the Study of Franco-American History in the System of Learning Results" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-23)**

(H.P. 72) (L.D. 84) Bill "An Act To Improve the Sewer District Rate Collection Procedures" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)**

(H.P. 96) (L.D. 114) Bill "An Act To Allow Vietnam Veterans To Receive High School Diplomas Posthumously" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-24)**

(H.P. 116) (L.D. 134) Bill "An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-33)**

(H.P. 126) (L.D. 143) Bill "An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-22)**

(H.P. 174) (L.D. 197) Bill "An Act To Improve Response to Gas Safety Emergencies" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-26)**

(H.P. 204) (L.D. 251) Bill "An Act To Establish the Wilderness Rescue Fund" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-32)**

(H.P. 215) (L.D. 262) Bill "An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)**

(H.P. 458) (L.D. 628) Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-27)**

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

(H.P. 12) (L.D. 20) Bill "An Act Designating March 29th Vietnam Veterans Day" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

On motion of Representative BRIGGS of Mexico, was **REMOVED** from the First Day Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative BRIGGS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is designating March 29th Vietnam Veterans Day. This date was

selected because this was the day the last 2,500 troops were withdrawn from South Vietnam in the Asian country. Some people asked about the significance of April 30, 1975. This was the day when South Vietnam surrendered to North Vietnam. This was the longest war in U.S. history, starting back in the 1950s. There are certain days of recognition and/or acknowledgements for other wars, such as the Cold War Victory Day on May 1st. While other states do not have recognized dates for World War II, the Federal Government does recognize three days. They are Pearl Harbor Day on December 7th; V-E Day, which is Victory in Europe, is May 8th; and V-J Day, Victory over Japan, is August 14th. Armed Forces Day is May 15th. The Korean War, its Armistice Day, July 23rd. Veterans Day is November 11th. The Global War on Terror, which is the current conflicts, is tied to September 11, 2001.

On January 14, 2011, the Department of Defense announced its program to commemorate the 50th anniversary of the Vietnam War. The program thanks and honors veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States, and to thank and honor the families of these veterans. To highlight the service of the Armed Forces during the Vietnam War and the contributions of federal agencies and governmental and non-governmental organizations that served with or in support of the Armed Forces, to pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War, highlight the advances in technology, science and medicine related to the military research conducted during the Vietnam War, to recognize the contributions and sacrifices made by the Allies of the United States during the Vietnam War. The Department of Defense representatives will coordinate with other federal agencies, veterans groups, state, local government and non-governmental organizations for their input in Vietnam War commemorative activities.

There are 15 states that have enacted this day of recognition for our Vietnam veterans and six more are currently following suit, including Maine. About 58,000 Americans died in the Vietnam War. There are approximately 46,000 Vietnam veterans living in the State of Maine at this time. The Vietnam War has many effects on the United States and in Maine. This was the first foreign war in which the U.S. combat forces failed to accomplish their goals. This hurt the pride of a lot of Americans and left painful memories. Soldiers returned in the midst of angry antiwar protests, that often placed blame on the individual soldiers. Soldiers were treated very, very poorly. Soldiers were ridiculed. They were hollered at. They were spit on. They were called terrible, terrible names. It was just awful on their return home what they have endured.

On March 28, 1985, *The New York Times* quoted Richard Nixon as saying "No event in American history is more misunderstood than the Vietnam War. It was misreported then and it is misremembered now." I would like to repeat that. "No event in American history is more misunderstood than the Vietnam War. It was misreported then and it is misremembered now." This day of recognition is different in that it is correcting a measure of injustice by treating them differently when they came home from the Vietnam War, like none other. I have heard from very few Vietnam veterans who do not wish to have a separate day of recognition. I respect their views, but I believe that this war was different than any other and, because of that, should be treated as such. This bill would represent a symbol of gratitude and respect they were denied when they came home from an unpopular war. One Vietnam veteran said that the war is over, just leave it alone. If we just left this alone to go on forever, there will never be full closure. Let's bring this to the surface,

acknowledge our shortcomings, ask for forgiveness and it will die peacefully.

My brother is a Vietnam veteran. I was a teenager when he returned home. I can remember when he came through the door I asked how come he wasn't wearing his uniform. He said that he was told not to wear it home, that it was for his own safety. My brother never really recovered from this war. He continues to suffer from PTSD and other addictions, as many of them came home with. Our family almost lost him three times over the last few years. During that time, I was assigned as power of attorney. Twice it actually came down to the point where the doctor said to me "If he stops breathing, what do you want me to do?" Today my brother is in an assisted living facility because he can't make it on his own out there. His story is not the only one. There are thousands of veterans out there whose stories are the same, many homeless.

Upon the soldiers returning home, I remember watching on television as if it were yesterday. I can remember saying to my mother "Why are they doing that to them?" I have carried this heavy burden of hurt, pain and helplessness for almost 40 years. Today I stand before you to ask to heal this wound. Help me and thousands like me, both sides, veterans and non-veterans, to heal. By also supporting this bill you would be bringing so many veterans together who have felt distant for many, many years, help them to heal, help to bring them out in the open so that they may be reached and can be healed physically, emotionally and spiritually. Today I stand before you to ask to heal these wounds. You have the opportunity, not just for me but for all Mainers who wish to say I am sorry, thank you and welcome home. Thank you, Mr. Speaker.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-29)** was **READ** by the Clerk.

Representative COTTA of China **PRESENTED House Amendment "A" (H-37) to Committee Amendment "A" (H-29)**, which was **READ** by the Clerk.

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 rise to speak to an amendment to the basic LD 20 and I would like to tell you a little bit about it. The previous speaker and the bill's sponsor mentions people. People over vets. I can appreciate where she's coming from, what the intent is. I too am a Vietnam veteran of two years, two tours. But the bill proposes to take March 29th as Vietnam Veterans Day. The term "veteran," when we look back at World War II, the Bataan Death March, Iwo Jima, Guadalcanal, when you move and you look at Korea in Heartbreak Ridge, you look at Vietnam, the A Shau Valley and Kason, you turn towards Desert Storm, Afghanistan, Iraq, Just Cause, these conflicts, there are veterans of these conflicts, veterans all, men and women veterans, members of a very tight knit group that shared an experience.

This bill, my amendment to this bill says that the Department of Defense will recognize the 50th anniversary of the Vietnam War and, in doing so, will start a 10-year program of significant events during this conflict. This is what my amendment proposes and it removes March 29th for the aforementioned reasons. Don't take your veterans and cut them into little bite-size pieces. We don't, as a veteran and those veterans I've talked to, we don't want a day for Afghanistan veterans, Iraq veterans, Just Cause veterans, Desert Storm veterans, Vietnam veterans. We are veterans all. Men and Women of this chamber, I beseech you to support the amendment recognizing veterans and veterans of the

Vietnam era will be recognized by the 50th anniversary, Department of Defense, administered by the director of Veterans Services in Maine from existing resources. Please do not isolate your Vietnam veterans. If you recognize the offense and the abuse and the insults they received, don't add to it. Allow them to stand with other veterans. Thank you.

Representative BRIGGS of Mexico moved that **House Amendment "A" (H-37) to Committee Amendment "A" (H-29)** be **INDEFINITELY POSTPONED**.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-37) to Committee Amendment "A" (H-29)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you, Mr. Speaker. I am a Vietnam veteran, three tours, so I think I can speak pretty well for most of our veterans in Vietnam. March 29, 1973, was the day our troops were being rescued from the top of the embassy by helicopters. We pulled out in defeat. This is a terrible day to remember the Vietnam veterans. I know no veteran in this chamber who wants to be separate from his fellow veterans who celebrate Vietnam. I know no veterans who want to celebrate Vietnam Day. Let us celebrate with our fellow comrades. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-37) to Committee Amendment "A" (H-29). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 7

YEA - Beavers, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Dill C, Dion, Duchesne, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Maloney, Mazurek, McCabe, Morrison, O'Brien, Peterson, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Stuckey, Treat, Valentino, Wagner R, Webster, Welsh.

NAY - Ayotte, Beaulieu, Beliveau, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Dill J, Dow, Driscoll, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Libby, Long, Longstaff, Luchini, Maker, Malaby, Martin, McClellan, McFadden, McKane, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Pilon, Plummer, Prescott, Priest, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

ABSENT - Beaudoin, Crockett, Damon, Morissette, Picchiotti, Theriault.

Yes, 49; No, 96; Absent, 6; Excused, 0.

49 having voted in the affirmative and 96 voted in the negative, with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-37) to Committee Amendment "A" (H-29) FAILED**.

On motion of Representative CLARK of Millinocket, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-37) to Committee Amendment "A" (H-29)** 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. 107) (L.D. 394) Resolve, Directing the Conveyance of Conservation Land in Rockport

(H.P. 38) (L.D. 45) Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in Public Schools" (C. "A" H-19)

(H.P. 75) (L.D. 89) Bill "An Act Regarding Repeated Animal Trespass" (EMERGENCY) (C. "A" H-17)

(H.P. 78) (L.D. 92) Resolve, To Name the Summit Trail of Haystack Mountain the Dustin J. Libby Trail (C. "A" H-18)

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

ENACTORS

Emergency Measure

An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection

(H.P. 188) (L.D. 235)

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. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program

(S.P. 167) (L.D. 575)

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. 134 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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education

(H.P. 4) (L.D. 12)

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. 129 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission

(H.P. 5) (L.D. 13)
(C. "A" H-6)

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. 128 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (H.P. 167) (L.D. 190)

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

Acts

An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters

(H.P. 295) (L.D. 369)

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, To Name the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

(S.P. 134) (L.D. 430)

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

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

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

Bill "An Act To Encourage Better Grades for High School Students by Linking Grades with the Granting of a Driver's License"

(H.P. 780) (L.D. 1045)

- In House, **REFERRED** to the Committee on **TRANSPORTATION** on March 15, 2011.

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - March 17, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **FURTHER CONSIDERATION**.

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

SENATE PAPERS

Bill "An Act To Limit Liability of Apiary Owners and Operators"
(S.P. 359) (L.D. 1184)

Bill "An Act To Require the Land for Maine's Future Fund To
Expend Funds for Deer Wintering Areas"
(S.P. 370) (L.D. 1249)

Bill "An Act To Improve Land Use Planning and Permitting in
Unorganized Territories"
(S.P. 379) (L.D. 1258)

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 Authorize a General Fund Bond Issue To
Revitalize Maine's Downtowns through Innovative Business
Development and the Creative Economy"
(S.P. 362) (L.D. 1187)

Came from the Senate, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered
printed.
REFERRED to the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Protect Young Children from Sex Offenses"
(S.P. 357) (L.D. 1182)

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 Achieve Maine's High School Graduation
Goal" (EMERGENCY)
(S.P. 363) (L.D. 1188)

Came from the Senate, **REFERRED** to the Committee on
EDUCATION AND CULTURAL AFFAIRS and ordered printed.
REFERRED to the Committee on **EDUCATION AND
CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Improve Oil Storage Facility Operator Training"
(S.P. 371) (L.D. 1250)

Resolve, To Study Initiatives To Increase Recycling in Maine
(EMERGENCY)
(S.P. 376) (L.D. 1255)

Came from the Senate, **REFERRED** to the Committee on
ENVIRONMENT AND NATURAL RESOURCES and ordered
printed.
REFERRED to the Committee on **ENVIRONMENT AND
NATURAL RESOURCES** in concurrence.

Bill "An Act To Increase Access to Vital Records"
(S.P. 356) (L.D. 1181)

Resolve, To Develop a Plan To Improve Public Guardianship
Services to Adults with Cognitive Disabilities
(S.P. 373) (L.D. 1252)

Bill "An Act To Establish One State Psychiatric Hospital"
(S.P. 384) (L.D. 1263)

Came from the Senate, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.
REFERRED to the Committee on **HEALTH AND HUMAN
SERVICES** in concurrence.

Resolve, Concerning Access to the Eastern Road in
Scarborough
(S.P. 367) (L.D. 1246)

Came from the Senate, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.
REFERRED to the Committee on **INLAND FISHERIES AND
WILDLIFE** in concurrence.

Resolve, To Direct the Bureau of Consumer Credit Protection
To Recommend Changes to Credit Reporting Laws Concerning
Paid Debts
(S.P. 364) (L.D. 1243)

Bill "An Act To Prevent Credit Card Company Unfair Trade
Practices"
(S.P. 372) (L.D. 1251)

Came from the Senate, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered printed.
REFERRED to the Committee on **INSURANCE AND
FINANCIAL SERVICES** in concurrence.

Bill "An Act To Amend the Probate Code Relating to the
Authority of the Probate Court To Approve Transfers from a
Protected Person's Estate"
(S.P. 361) (L.D. 1186)

Bill "An Act Concerning Tort Claims and Governmental
Entities"
(S.P. 377) (L.D. 1256)

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 Clarify Usual and Customary Charges under
the Workers' Compensation Laws"
(S.P. 365) (L.D. 1244)

Bill "An Act To Amend the Laws Governing the Enforcement
of Statewide Uniform Building Codes"
(S.P. 374) (L.D. 1253)

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.

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

Bill "An Act To Require Approval by the Voters of Legislation
To Enact or Increase a Tax or Fee"
(S.P. 369) (L.D. 1248)

Bill "An Act Relating to Selection of Constitutional Officers
and the State Auditor"
(S.P. 382) (L.D. 1261)

Came from the Senate, **REFERRED** to the Committee on
STATE AND LOCAL GOVERNMENT and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Encourage Computer Data Center Development"

(S.P. 380) (L.D. 1259)

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

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

Bill "An Act To Specifically Define Reasonable Operating Expenses for the Maine Turnpike Authority in Accordance with Its Enabling Act"

(S.P. 368) (L.D. 1247)

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 Modify the Responsibilities of the Commission on Governmental Ethics and Election Practices"

(S.P. 366) (L.D. 1245)

Bill "An Act To Further Restrict Push Polling"

(S.P. 375) (L.D. 1254)

Bill "An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws"

(S.P. 383) (L.D. 1262)

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.

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

On motion of Representative EDGECOMB of Caribou, the House adjourned at 11:47 a.m., until 10:00 a.m., Wednesday, March 23, 2011.