

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
12th Legislative Day
Thursday, February 3, 2011

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

Prayer by Reverend James King, Church of the Holy Spirit, Portland.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.

The Journal of Tuesday, February 1, 2011 was read and approved.

SENATE PAPERS

Bill "An Act To Reserve a Number of Moose Permits for the Tribes of Maine"

(S.P. 79) (L.D. 270)

Bill "An Act To Establish Standards Pertaining to the Feeding of Deer"

(S.P. 80) (L.D. 271)

Bill "An Act To Increase the Moose Permit Allocations for Zones 2 and 3"

(S.P. 83) (L.D. 274)

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.

Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"

(S.P. 82) (L.D. 273)

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

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

Bill "An Act To Provide Funds for Municipal Sand and Salt Storage Facilities"

(S.P. 81) (L.D. 272)

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

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

Non-Concurrent Matter

Bill "An Act To Regulate the Use of Magnesium Chloride"

(H.P. 127) (L.D. 144)

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in the House on January 25, 2011.

Came from the Senate **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 50)

**SENATE OF MAINE
125TH LEGISLATURE**

OFFICE OF THE PRESIDENT

February 1, 2011

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Priest:

Pursuant to my authority under Joint Rule 371, I am pleased to appoint the following to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Senator Margaret M. Craven of Androscoggin

Senator Craven will be replacing Senator Schneider on the Government Oversight Committee.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/Kevin L. Raye

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 52)

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

February 1, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Speaker Nutting:

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

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Darryl N. Brown of Livermore Falls for appointment as the Commissioner of the Department of Environmental Protection.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolve and Resolution 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 To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits"

(H.P. 242) (L.D. 298)

Sponsored by Representative SARTY of Denmark.

Cosponsored by Senator COURTNEY of York and Representatives: COTTA of China, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, HAYES of Buckfield, JOHNSON of Greenville, McKANE of Newcastle, Senator: President RAYE of Washington.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks"

(H.P. 243) (L.D. 282)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: CEBRA of Naples, EDGECOMB of Caribou, GIFFORD of Lincoln, HAMPER of Oxford, KNIGHT of Livermore Falls, McKANE of Newcastle, MORISSETTE of Winslow, SANDERSON of Chelsea.

Bill "An Act To Find Cost Savings and Efficiencies in the Fingerprinting System for Criminal History Background Checks"

(H.P. 240) (L.D. 296)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: CEBRA of Naples, GIFFORD of Lincoln, HAMPER of Oxford, KNIGHT of Livermore Falls, McKANE of Newcastle, MORISSETTE of Winslow, PLUMMER of Windham, SANDERSON of Chelsea.

EDUCATION AND CULTURAL AFFAIRS

Resolve, Directing the Office of Program Evaluation and Government Accountability To Make Recommendations To Find Efficiencies in Per-pupil Costs Associated with Interscholastic Activities

(H.P. 248) (L.D. 306)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: LUCHINI of Ellsworth, MALONEY of Augusta, MAZUREK of Rockland, NELSON of Falmouth, PRESCOTT of Topsham, RANKIN of Hiram.

HEALTH AND HUMAN SERVICES

Bill "An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres" (EMERGENCY)

(H.P. 230) (L.D. 286)

Sponsored by Representative HANLEY of Gardiner.

Cosponsored by Senator McCORMICK of Kennebec.

Bill "An Act To Improve Hospital Transparency"

(H.P. 245) (L.D. 303)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: DAMON of Bangor, HINCK of Portland, LOVEJOY of Portland, PARKER of Veazie, SANBORN of Gorham, STEVENS of Bangor, STUCKEY of Portland.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Prohibit Water-ski Courses on Small Ponds"

(H.P. 228) (L.D. 284)

Sponsored by Representative CRAFTS of Lisbon.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, CRAY of Palmyra, DAVIS of Sangerville, FREDETTE of Newport, SARTY of Denmark, TIMBERLAKE of Turner, WILLETTE of Mapleton, WOOD of Sabattus.

Bill "An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees"

(H.P. 233) (L.D. 289)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, DION of Portland,

GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford.

Bill "An Act Regarding Eligibility for the Moose Lottery"

(H.P. 235) (L.D. 291)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BURNS of Whiting, CRAFTS of Lisbon, ESPLING of New Gloucester, JOHNSON of Greenville, SARTY of Denmark, TIMBERLAKE of Turner, Senator: COLLINS of York.

Bill "An Act To Prohibit Placing the Carcass of a Dead Animal on a Frozen Body of Water for the Purpose of Baiting Coyotes"

(H.P. 236) (L.D. 292)

Sponsored by Representative STEVENS of Bangor.

Cosponsored by Representatives: EBERLE of South Portland, EVES of North Berwick, GOODE of Bangor, KAENRATH of South Portland, MORRISON of South Portland, O'BRIEN of Lincolnville, ROSEN of Bucksport, STUCKEY of Portland.

Bill "An Act To Waive Snowmobile Registration Requirements for Canadians Riding on Maine Trails"

(H.P. 237) (L.D. 293)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BURNS of Whiting, CLARK of Easton, EDGECOMB of Caribou, WILLETTE of Mapleton, Senator: JACKSON of Aroostook.

Bill "An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges"

(H.P. 238) (L.D. 294)

Sponsored by Representative CRAFTS of Lisbon.

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, DAVIS of Sangerville, HARVELL of Farmington, TIMBERLAKE of Turner, WINTLE of Garland, WOOD of Sabattus.

Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish"

(H.P. 244) (L.D. 302)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator JACKSON of Aroostook and Representatives: CLARK of Millinocket, DAVIS of Sangerville, MARTIN of Eagle Lake, PILON of Saco, SHAW of Standish, THERIAULT of Madawaska.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009"

(H.P. 234) (L.D. 290)

Sponsored by Representative MORISSETTE of Winslow.

Cosponsored by Senator MASON of Androscoggin and Representatives: BENNETT of Kennebunk, COTTA of China, HARVELL of Farmington, O'CONNOR of Berwick, PARRY of Arundel, PICCHIOTTI of Fairfield, SANDERSON of Chelsea.

Bill "An Act To Require Insurance Companies To Disclose the Option To Purchase Higher Amounts of Coverage for Automobile Liability Insurance"

(H.P. 239) (L.D. 295)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BEAVERS of South Berwick, BOLDUC of Auburn, GOODE of Bangor, HINCK of Portland, PICCHIOTTI of Fairfield, TREAT of Hallowell, Senators: HASTINGS of Oxford, PATRICK of Oxford.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Promote the Hiring of Seasonal Workers" (H.P. 246) (L.D. 304)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Senator RECTOR of Knox and Representatives: BURNS of Alfred, CEBRA of Naples, MacDONALD of Boothbay, PRESCOTT of Topsham, Senators: THIBODEAU of Waldo, TRAHAN of Lincoln.

Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State" (H.P. 251) (L.D. 309)

Sponsored by Representative WINSOR of Norway.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CEBRA of Naples, CURTIS of Madison, CUSHING of Hampden, Senator: HASTINGS of Oxford.

MARINE RESOURCES

Bill "An Act To Encourage Lobstering Traditions and Facilitate Retirement from Lobstering" (H.P. 249) (L.D. 307)

Sponsored by Representative VOLK of Scarborough.
Cosponsored by Representatives: BEAVERS of South Berwick, DOW of Waldoboro, FOSSEL of Alna, HARVELL of Farmington, MAKER of Calais, PARRY of Arundel, Senator: DIAMOND of Cumberland.

Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY) (H.P. 250) (L.D. 308)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CHIPMAN of Portland, OLSEN of Phippsburg, PRESCOTT of Topsham, TILTON of Harrington, Senator: TRAHAN of Lincoln.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Provide Savings to the State by Contracting Out Certain Services" (H.P. 231) (L.D. 287)

Sponsored by Representative WINSOR of Norway.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Land and Buildings To Be Assessed Differently (H.P. 247) (L.D. 305)

Sponsored by Representative CHIPMAN of Portland.
Cosponsored by Representatives: BERRY of Bowdoinham, KNIGHT of Livermore Falls.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative COTTA of China, the RESOLUTION was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

TAXATION

Bill "An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures" (H.P. 241) (L.D. 297)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, DION of Portland, GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford, Senator: FARNHAM of Penobscot.

TRANSPORTATION

Bill "An Act To Require That Motor Vehicles Be Clear of Solid Precipitation When Operated on Public Ways" (H.P. 227) (L.D. 283)

Sponsored by Representative KNAPP of Gorham.
Cosponsored by Representatives: BEAVERS of South Berwick, BOLDUC of Auburn, BURNS of Whiting, PEOPLES of Westbrook, ROSEN of Bucksport.

Bill "An Act To Amend the Laws Governing Municipal Motor Vehicle Registration and License Agent Fees" (H.P. 232) (L.D. 288)

Sponsored by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Require That the Secretary of State Certify the Qualifications of Candidates for Legislative Office" (H.P. 229) (L.D. 285)

Sponsored by Representative NASS of Acton.
Cosponsored by Senator HASTINGS of Oxford and Representatives: BEAULIEU of Auburn, FLOOD of Winthrop, MOULTON of York, PILON of Saco, PRESCOTT of Topsham, RUSSELL of Portland, WATERHOUSE of Bridgton, WEAVER of York.

**Pursuant to Statute
Maine Water Well Commission**

Representative HAMPER for the **Maine Water Well Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission (EMERGENCY) (H.P. 252) (L.D. 310)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 10)

ORDERED, that Representative Peter S. Kent of Woolwich be excused January 25 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wayne T. Mitchell of the Penobscot Nation be excused January 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary E. Plummer of Windham be excused January 12 for personal reasons.

READ and PASSED.

CONSENT CALENDAR

Second Day

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

(H.P. 16) (L.D. 24) Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway

(H.P. 18) (L.D. 26) Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge

(H.P. 29) (L.D. 36) Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream (EMERGENCY)

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

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

SENATE PAPERS

Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues (EMERGENCY)

(S.P. 86) (L.D. 280)

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 Increase the Availability of Lead Testing for Children"

(S.P. 89) (L.D. 300)

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.

Bill "An Act To Amend Indemnification Notification Laws"

(S.P. 85) (L.D. 279)

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 Relating to Abandoned Vehicles"

(S.P. 90) (L.D. 301)

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

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

Bill "An Act Regarding the Southern Maine Veterans Memorial Cemetery"

(S.P. 88) (L.D. 299)

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.

The following Joint Order: (S.P. 84)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 8, 2011, at 10:00 in the morning.

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

READ and PASSED in concurrence.

ENACTORS

Emergency Measure

An Act To Change the Annual Meeting Date and Fiscal Year of Mount Desert Island Regional School District

(H.P. 11) (L.D. 19)

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. 130 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.

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

On motion of Representative GRAHAM of North Yarmouth, the House adjourned at 10:48 a.m., until 10:00 a.m., Tuesday, February 8, 2011.