

# Journal of the House

---

**Tuesday, January 25, 2011**

At ten o'clock in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Peter Plagge of the Waterbury Congregational Church, Waterbury, Vermont.

## **Pledge of Allegiance**

**Page Trevor Utton of Essex Junction** led the House in the Pledge of Allegiance.

## **Communication from the Governor**

“January 25, 2011

The Honorable Shapleigh Smith, Jr.  
Speaker of the House  
115 State Street, Drawer 33  
Montpelier, VT 05633

Dear Speaker Smith:

I have the honor to inform you that I have appointed Rebecca Ellis to serve in the General Assembly representing House District Washington-Chittenden-1, formerly held by Representative Sue Minter.

Sincerely,  
/s/ Peter Shumlin  
Governor

PS/ss

cc: Jim Condos, Secretary of State  
Donald Milne, Clerk of the House”

## **Communication from the Governor**

“January 25, 2011

The Honorable Shapleigh Smith, Jr.  
Speaker of the House  
115 State Street, Drawer 33  
Montpelier, VT 05633

Dear Speaker Smith:

I have the honor to inform you that I have appointed Mark E. Woodward to serve in the General Assembly representing House District Lamoille-3, formerly held by Representative Floyd Nease.

Sincerely,  
/s/ Peter Shumlin  
Governor

PS/ss

cc: Jim Condos, Secretary of State  
Donald Milne, Clerk of the House”

**Communication from the Governor**

“January 25, 2011

The Honorable Shapleigh Smith, Jr.  
Speaker of the House  
115 State Street, Drawer 33  
Montpelier, VT 05633

Dear Speaker Smith:

I have the honor to inform you that I have appointed Matthew Trieber to serve in the General Assembly representing House District Windham-4, formerly held by Representative Michael Obuchowski.

Sincerely,  
/s/ Peter Shumlin  
Governor

PS/ss

cc: Jim Condos, Secretary of State  
Donald Milne, Clerk of the House”

**Oath Administered to New Members**

The Speaker directed the Doorkeeper to conduct Rebecca Ellis of House District Washington-Chittenden-1, Mark Woodward of House District Lamoille-3 and Matthew Trieber of House District Windham-4, the appointed members to the bar of the House where they took the subscribed oath, administered by the Clerk, as required by the Constitution and laws of the State.

**New Members Seated**

Thereupon, Rebecca Ellis of Waterbury, Mark Woodward of Johnson and Matthew Trieber of Rockingham, the newly appointed members, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, were conducted to their seats by the Doorkeeper.

**Rules Suspended; House Bills Introduced**

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

**H. 90**

By Reps. Howrigan of Fairfield, Dakin of Chester, Donahue of Northfield, Keenan of St. Albans City, Krebs of South Hero and Spengler of Colchester,

House bill, entitled

An act relating to Lyme disease;

To the committee on Health Care.

**H. 91**

By Reps. Deen of Westminster, Webb of Shelburne, Andrews of Rutland City, Atkins of Winooski, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Dickinson of St. Albans Town, Donahue of Northfield, Donovan of Burlington, Evans of Essex, Fisher of Lincoln, Gilbert of Fairfax, Grad of Moretown, Helm of Fair Haven, Jerman of Essex, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Krebs of South Hero, Lenex of Shelburne, Martin of Wolcott, McCullough of Williston, Mrowicki of Putney, Nease of Johnson, Potter of Clarendon, Pugh of South Burlington, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Waite-Simpson of Essex and Wilson of Manchester,

House bill, entitled

An act relating to the management of fish and wildlife;

To the committee on Fish, Wildlife & Water Resources.

**H. 92**

By Rep. Till of Jericho,

House bill, entitled

---

An act relating to establishing a no-fault compensation program for medical malpractice claims involving primary care physicians;

To the committee on Health Care.

**H. 93**

By Rep. Branagan of Georgia,

House bill, entitled

An act relating to an income tax credit for home child care;

To the committee on Ways and Means.

**H. 94**

By Rep. Branagan of Georgia,

House bill, entitled

An act relating to the corporate minimum tax;

To the committee on Ways and Means.

**H. 95**

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to commission on fatherhood;

To the committee on Human Services.

**H. 96**

By Reps. Pugh of South Burlington and Ram of Burlington,

House bill, entitled

An act relating to health care coverage for legal immigrant children and pregnant women;

To the committee on Health Care.

**H. 97**

By Reps. Larson of Burlington, Ancel of Calais, Andrews of Rutland City, Bissonnette of Winooski, Burke of Brattleboro, Buxton of Royalton, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Consejo of Sheldon, Copeland-Hanzas of Bradford, Davis of Washington, Deen of Westminster, Edwards of Brattleboro, Fisher of Lincoln, Font-Russell of Rutland City, Frank of Underhill, French of Randolph, Grad of Moretown, Hebert of Vernon,

Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Lorber of Burlington, Macaig of Williston, Marek of Newfane, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Nuovo of Middlebury, Partridge of Windham, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Taylor of Barre City, Townsend of Randolph, Webb of Shelburne, Weston of Burlington, Wizowaty of Burlington and Young of Albany,

House bill, entitled

An act relating to early childhood educators;

To the committee on Human Services.

#### **H. 98**

By Reps. Till of Jericho, Aswad of Burlington, Donahue of Northfield, Macaig of Williston, Masland of Thetford, Mook of Bennington, Mrowicki of Putney, Poirier of Barre City, Stevens of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to the imposition of the sales tax on candy;

To the committee on Ways and Means.

#### **H. 99**

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to vital records;

To the committee on Government Operations.

#### **H. 100**

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to raising the maximum age for child care subsidies;

To the committee on Human Services.

#### **H. 101**

By Rep. Head of South Burlington,

House bill, entitled

An act relating to voting requirements in common ownership communities;

To the committee on General, Housing and Military Affairs.

**H. 102**

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to reporting and disclosure of heating fuel prices;

To the committee on Commerce and Economic Development.

**H. 103**

By Reps. Jerman of Essex, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Bissonnette of Winooski, Bohi of Hartford, Branagan of Georgia, Burke of Brattleboro, Cheney of Norwich, Consejo of Sheldon, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fisher of Lincoln, Font-Russell of Rutland City, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Haas of Rochester, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Howrigan of Fairfield, Kitzmiller of Montpelier, Klein of East Montpelier, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larson of Burlington, Lenes of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Nease of Johnson, Nuovo of Middlebury, O'Brien of Richmond, Obuchowski of Rockingham, Partridge of Windham, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Taylor of Barre City, Till of Jericho, Toll of Danville, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Wright of Burlington, Yantachka of Charlotte and Young of Albany,

House bill, entitled

An act relating to the Agreement Among the States to Elect the President by

National Popular Vote;

To the committee on Government Operations.

**H. 104**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to rescission of votes taken by Australian ballot;

To the committee on Government Operations.

**H. 105**

By Reps. Masland of Thetford, Clarkson of Woodstock and Hooper of Montpelier,

House bill, entitled

An act relating to authorizing municipalities to form telecommunications districts;

To the committee on Commerce and Economic Development.

**H. 106**

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to public inspection of electronic control devices used by law enforcement officers;

To the committee on Government Operations.

**Joint Resolution Placed on Calendar**

**J.R.H. 9**

Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center

Offered by: Representatives Branagan of Georgia, Jewett of Ripton, Burditt of West Rutland, Clarkson of Woodstock, Consejo of Sheldon, Degree of St. Albans City, Evans of Essex, Krebs of South Hero, Lenex of Shelburne, Lewis of Derby, Martin of Wolcott, McNeil of Rutland Town, Myers of Essex, Savage of Swanton and Shaw of Pittsford

Whereas, during the post-election December 2010 congressional session, United States Senator John McCain strongly criticized United States Senator Patrick Leahy's proposed \$165,000.00 earmark for the Proctor Maple Research

---

Center (PMRC) at the University of Vermont as exemplifying wasteful congressional spending, and

Whereas, although the awarding of dubious federal earmarks has been documented, to select this proposed appropriation as a prime example of wasteful federal spending is completely off the mark, and

Whereas, to the contrary, the PMRC, established in 1946 on the site of the former Harvey Farm in Underhill, which Governor Mortimer Proctor personally donated to the University of Vermont, is exactly the type of academically respected and economically vital organization worthy of federal largesse, and

Whereas, the General Assembly of the State of Vermont, in response to Senator John McCain's assessment of the now scuttled PMRC appropriation, is compelled to explain, with the utmost respect, why the now lost \$165,000.00 grant that Senator Leahy proposed merited the enthusiastic endorsement of United States Senators, including the senior senator from Arizona, and

Whereas, to begin this lesson, it should be noted that 25 percent of all trees in Vermont are maples, thus providing the natural resource foundation for Vermont's proud emergence as the largest producer of maple syrup in the United States, and

Whereas, annually, this production output yields approximately \$15 million in direct sales and has an overall impact on our state's economy in excess of \$226 million, and

Whereas, the Vermont General Assembly has recognized the sugar maple tree as the official state tree (1 V.S.A § 499); and maple from the Vermont sugar maple tree has been similarly recognized as the official state flavor (1 V.S.A § 510), and

Whereas, Vermont was the first state to adopt a comprehensive maple sugar law, and the current version at 6 V.S.A chapter 32 comprehensively addresses the commercial, marketing, and scientific aspects of maple sugaring, and

Whereas, the PMRC has a tripartite mission to conduct maple research, which has resulted in major advances in the field; manage a demonstration maple sugaring operation that serves as a model for commercial maple sugarmakers; and educate producers and the public on the art and science of maple sugarmaking, and

Whereas, no individual, except its faculty and staff, receives direct remuneration from the PMRC, but the Vermont economy benefits enormously from its many accomplishments, now therefore be it



Resolved by the Senate and House of Representatives:

That the General Assembly respectfully concludes this lesson on Vermont Maple Sugarmaking and the University of Vermont's Proctor Maple Research Center for United States Senator John McCain, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Senator John McCain (accompanied by a sample of Vermont Maple Syrup produced at the Proctor Maple Research Center), to the Proctor Maple Research Center, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

**Rules Suspended; Bill Messaged to Senate Forthwith**

**H. 65**

House bill, entitled

An act relating to fiscal year 2011 budget adjustment

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Third Reading; Bill Passed**

**H. 8**

House bill, entitled

An act relating to approval of amendments to and codification of the charter of the town of Jamaica

Was taken up, read the third time and passed.

**Members Appointed to House Committees**

The Speaker appointed **Rep. Woodward of Johnson** to the committee on Human Services.

The Speaker appointed **Rep. Trieber of Rockingham** to the committee on Human Services.

The Speaker appointed **Rep. Ellis of Waterbury** to the committee on Natural Resources and Energy.

**Committee Appointments Announced**

The Speaker appointed **Rep. Kitzmiller of Montpelier** to the Vermont Economic Progress Council.

The Speaker appointed **Reps. Manwaring of Wilmington, Haas of**

**Rochester, Donovan of Burlington, Sweaney of Windsor, Browning of Arlington and Sharpe of Bristol** to the Joint Legislative Government Accountability Committee.

#### **Adjournment**

At ten o'clock and fifty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Thursday, January 27, 2011, at one o'clock in the afternoon.