

MAINE STATE LEGISLATURE

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

Volume II

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Wednesday, January 25, 2006

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

Prayer by Reverend David Farrington, Unitarian Universalist Church, Brunswick.

National Anthem by Sandie Bidell, Thomaston.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher who wishes to address the House on the record.

Representative FISHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This morning an engineering battalion, the 240th of the Maine National Guard deployed to Indiana, the first step in their movement to the Middle East. They follow in the footsteps of many Maine guardsmen and women who have worn our nation's colors and have carried our state's flag. I would ask that when we close today's session that we do so in honor of these men and women and of their families who share in the sacrifice. Let us not forget.

The SPEAKER: The record will reflect that the Legislature today, when it adjourns, will do so in honor of the men and women serving in the 240th Engineering Battalion and their families.

I, and others who attended the event, were moved beyond words at the heroism and dedication to this country that the 82 men and women exhibited as they entered the busses heading for Indiana and, ultimately, to Afghanistan. What struck me the most was the bravery and selflessness that the families exhibited as they saw their loved ones off on the bus. Tonight, and every night, perhaps you should keep them in your prayers.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil"

(H.P. 1383) (L.D. 1975)

Sponsored by Representative KOFFMAN of Bar Harbor. (GOVERNOR'S BILL)

Cosponsored by Senator: COWGER of Kennebec.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Maine Health Data Organization**

Representative PINGREE for the **Maine Health Data Organization** 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 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1384) (L.D. 1976)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative KOFFMAN for the **Department of Environmental Protection** 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 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1385) (L.D. 1977)

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

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

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

January 25, 2006 as National "Thank Your Mentor Day." Mentoring is a structured and trusting relationship that brings young people together with caring, committed individuals who offer guidance, support and encouragement aimed at developing the confidence, competence and character of the mentee. Mentoring has a definitive impact on young people by increasing attendance at school, improving rates of high school graduation and college attendance and decreasing involvement with drugs, alcohol and violent behaviors. We extend our appreciation to the thousands of caring Maine individuals who have committed their time and energy to mentor a child;

(HLS 1603)

Presented by Representative EBERLE of South Portland. Cosponsored by Representative ADAMS of Portland, Senator ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebec, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BEAUDETTE of Biddeford, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BRYANT-DESCHENES of Turner, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Senator CLUKEY of

Aroostook, Representative COLLINS of Wells, Senator COURTNEY of York, Senator COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Representative DAVIS of Augusta, Senator DAVIS of Piscataquis, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative EDER of Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Senator GAGNON of Kennebec, Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Senator HASTINGS of Oxford, Senator HOBBS of York, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACOBSEN of Waterboro, Representative JACKSON of Allagash, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LERMAN of Augusta, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington

Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Representative SEAVEY of Kennebunkport, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Senator SNOWE-MELLO of Androscoggin, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WEBSTER of Freeport, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Who was it in your life that inspired you? Who was it that had a lifelong impact and who influenced the important milestones of your life? A parent? Colleague? Friend? Coach? Teacher? Today is the day that we recognize those people who had that influence in your life and thank them, as we do all of the thousands of caring individuals in the State of Maine who are giving their time, energy and caring to Maine youth and to the mentees throughout the state. I am very proud to represent this group of people and ask that we all recognize their efforts on this day and hope that you will take a moment and thank that person who is a mentor to you in your life. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to briefly add my words to the words of Representative Eberle and thank her for bringing this forward. I think that all of us know that the number one criteria of whether a child is successful in life or as an adult is determined by whether somebody cared for them, liked them and knew them, and the people across the state and in many of the organizations that are here today are making sure that that happens and we thank them for that. Thank you.

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

CONSENT CALENDAR

Second Day

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

(H.P. 1231) (L.D. 1723) Bill "An Act To Address Benefits for Employees and Officers of Credit Unions"

(H.P. 1289) (L.D. 1849) Bill "An Act To Update the Charter of the Lewiston and Auburn Railroad Company"

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.

2006 in honor and lasting tribute to Louis J. Rancourt, of Scarborough, Frank Melcher, of Scarborough and in honor of the men and women of the 240th Engineering Unit of the Maine National Guard and their Commanding Officer Lieutenant Colonel Leslie Swartz.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Amend the Operator's License and Nondriver Identification Card Requirements for Nonimmigrants"

(H.P. 376) (L.D. 501)

(C. "A" H-736)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

The following Joint Order: (S.P. 762)

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the Senate, a bill to establish a computer crimes unit within the Maine State Police Crime Laboratory in order to combat child pornography and child abuse.

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

READ and **PASSED** in concurrence.

Bill "An Act To Amend the Maine State Grant Program" (EMERGENCY)

(S.P. 761) (L.D. 1978)

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.

CONSENT CALENDAR

First Day

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

(S.P. 703) (L.D. 1786) Bill "An Act to Allow Dragging in Lower Taunton Bay" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

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

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

On motion of Representative FISHER of Brewer, the House adjourned at 11:19 a.m., until 10:00 a.m., Thursday, January 26,