

MAINE STATE LEGISLATURE

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

Volume II

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May 26, 2005 – June 17, 2005

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January 4, 2006 - April 6, 2006

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
11th Legislative Day
Tuesday, January 31, 2006

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

Prayer by Reverend Daniel C. Coffin, Small Point Baptist Church, Phippsburg.

National Anthem by Scott DeRaps, Augusta.

Pledge of Allegiance.

The Journal of Thursday, January 26, 2006 was read and approved.

Doctor of the day, Richard Flowerdew, M.D., Falmouth.

COMMUNICATIONS

The Following Communication: (H.C. 355)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

January 23, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1112 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 356)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

January 23, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1065 An Act To Promote Economic Development and Sustainable Energy

L.D. 1675 An Act To Make a Standard Alternative Form of Regulation Available to Rural Telephone Companies

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip L. Bartlett II

Senate Chair

S/Rep. Lawrence Bliss

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 358)

MAINE STATE LEGISLATURE

AUGUSTA, MAINE 04333

**STUDY COMMISSION TO STUDY ALTERNATIVE VOTING
PROCEDURES, THE CITIZEN INITIATIVE PROCESS AND
MINOR PARTY BALLOT ACCESS**

January 23, 2006

The Honorable Beth Edmonds, President

Maine State Senate

The Honorable John Richardson, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

This letter is to inform you that the Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access has completed its work and submitted its final report pursuant to Resolve 2005, Chapter 127.

Sincerely,

S/Senator Bill Diamond, Senate Chair

Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

S/Representative Sean Faircloth, House Chair

Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 357)

STATE OF MAINE

DEPARTMENT OF PUBLIC SAFETY

104 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0104

January 25, 2006

Honorable Millicent M. MacFarland

Clerk of the House

Room 300, State House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for funding of the FY2006 Byrne Justice Assistance Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review.

Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Michael P. Cantara

Commissioner

READ and with accompanying papers REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

(H.P. 1392) (L.D. 1987)

Sponsored by Representative MAKAS of Lewiston.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: CAMPBELL of Newfield, CANAVAN of Waterville, DAVIS of Falmouth, GROSE of Woolwich, MILLER of Somerville, PINGREE of North Haven, WALCOTT of Lewiston, Senator: MARTIN of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Raise the Debt Limit of the City of Brewer High School District"

(H.P. 1393) (L.D. 1988)

Sponsored by Representative FISHER of Brewer.

Cosponsored by Senator ROSEN of Hancock and Representative: HALL of Holden.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Pursuant to Public Law

Department of Agriculture, Food and Rural Resources

Representative PIOTTI for the **Department of Agriculture, Food and Rural Resources** pursuant to Public Law 2005, chapter 382, Part G, section 1 asks leave to report that the accompanying Bill "An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs"

(H.P. 1391) (L.D. 1985)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 items:

Recognizing:

the following members of the Lisbon High School Football Team, winners of the 2005 Class C State Football Championship: Joe Stevens, Carl Grady, Andrew Dubois, Chris Brunick, Cody Ray, Zach Bubar, Brandon Riordan, Jacob Cyr, Nate Blackwell, Mike Call, Mike Unterkoefler, Josh Stevens, Levi Ervin, Ben Bourgoin, Andy Ouellette, Nate Dostie, Ryan Giusto, Jesse Moan, Dan Willis, Derick Bolton, Dan Sullivan, Kyle McDougal, Nick Harmon, Matt Powell, Dan Johnson, Josh Neagle, Steve Michaud, Jake McDougall, Mark Stambach, Jared Williams, Ian

Blethen, Devan Knight, Scott Wing, Elijah Treffts, Steve McKay, Corey Morrison, Dillon Ward, Shawn Fitzgerald, Jessie Walker, Matt Cooper, Drew Church, Nick Adams, Steve Branson, Dan Cornell and Mike Bolduc; Head Coach Dick Mynahan; Assistant Coaches John Murphy, Stacen Doucette and Randy Ridley; Principal Ken Healey; Assistant Principal Warren Galway; and Co-curricular Director Jeff Ramich. We extend our congratulations to the members of the team on their accomplishment;

(HLS 1621)

Presented by Representative BERUBE of Lisbon.

Cosponsored by Senator NUTTING of Androscoggin, Representative VAUGHAN of Durham.

On **OBJECTION** of Representative BERUBE of Lisbon, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the following members of the Lisbon High School Cross-country Team, winners of the 2005 Class C State Championship: Kaleb Boucher, Joel Burkhardt, Matt Campbell, Tyler Campbell, Nick Caton, Tyler Clark, Aaron Cloutier, Nick Jones, Ethan Masselli, Philip Morlock and Zach Tupper; Head Coach Hank Fuller; Principal Ken Healey; Assistant Principal Warren Galway; and Co-curricular Director Jeff Ramich. This victory gives the team its 3rd consecutive Class C championship. We extend our congratulations to the members of the team on their accomplishment;

(HLS 1622)

Presented by Representative BERUBE of Lisbon.

Cosponsored by Senator NUTTING of Androscoggin, Representative VAUGHAN of Durham.

On **OBJECTION** of Representative BERUBE of Lisbon, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Berube.

Representative **BERUBE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud today to sponsor two sentiments that recognize the outstanding athletic efforts by the students of Lisbon High School. In today's society, as throughout history, adults are so often quick to point out the deficiencies of teenagers. Those we honor today are a positive example of today's teenagers and tomorrow's adults and that we are indeed in good company.

These students exhibit good sportsmanship and show respect for everyone associated with their program, including teammates, coaches, support staff, opponents and officials. They understand the value of competition without conflict and how to handle success with grace and failure with dignity.

They respect coaches and appreciate the importance of contributing to the team and its successes, even when there may be a difference of opinion. We recognize the coaches who promote the connection between sports, academics, lifelong learning and who act as role models at all times recognizing their profound influence on these student athletes. The first of these two sentiments recognize, for the record of this body, the successes of the Lisbon High School Cross Country Team and its 17-year coach, Hank Fuller, its state championship runner, Tyler Clark, for winning the 2005 Class C State Cross Country Championship, as well as the ones in 2004 and 2003. Thank you Mr. Speaker.

The second sentiment recognizes the Lisbon High School football team. For the first time in many years in September we

did not hear coach Mynahan in his 19th year as head coach, tell us that we were in a rebuilding year. He and his coaching staff knew somehow that something special was about to happen and indeed it did. The entire team played with heart, determination and intelligence, leading a player, Levi Ervin, to be voted player of the year in the Campbell Conference along with a promising college career. Other student athletes on these teams are momentarily awaiting word on whether they will be continuing their athletic careers at Husson College, Maine Maritime, Daniel Webster, the University of Maine, Bates, Bowdoin and Colby, as well as other schools.

Ladies and Gentlemen of the House these sentiments are for the 2005 Lisbon High School Class C State Champion football team. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative ANNIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to congratulate the Lisbon High School football team, winners of the State Class C Championship for 2005.

They played a hard game in the finals and it was a great game and it surely showed their spirit and their determination because they beat Foxcroft Academy, which I represent. Nevertheless fellas, be on guard because we will get you next year.

Subsequently, the Sentiment was PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative KOFFMAN from the Committee on NATURAL RESOURCES on Bill "An Act To Amend the Maine Sanitary District Enabling Act"

(H.P. 468) (L.D. 635)

Reporting that it be REFERRED to the Committee on UTILITIES AND ENERGY.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on UTILITIES AND ENERGY.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1219) (L.D. 1712) Bill "An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services" (EMERGENCY) Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-741)

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

ENACTORS

Emergency Measure

An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State

(S.P. 649) (L.D. 1695)

(C. "A" S-435)

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 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.

Emergency Measure

An Act to Allow Dragging in Lower Taunton Bay

(S.P. 703) (L.D. 1786)

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. 126 voted in favor of the same and 1 against, and accordingly the Bill was PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Resolve

Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

(H.P. 15) (L.D. 10)

(C. "A" H-723)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative DUPLESSIE of Westbrook, was SET ASIDE.

The same Representative REQUESTED a roll call on FINAL PASSAGE.

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 Harrison, Representative Sykes.

Representative SYKES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very quickly, if you wish to go on the record to spend 75,000 to gather information that your municipal officers can get for absolutely nothing, please, vote green. My light will be red.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 359

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Collins, Craven, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Eberle, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hutton, Jackson, Jennings, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, McCormick, McFadden, Merrill, Miller, Mills, Moody, Moore G, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Rector, Rines, Rosen, Saviello, Schatz, Simpson, Smith N, Smith W, Thompson, Trahan, Tuttle, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Cressey, Crosby, Crosthwaite, Curtis, Daigle, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Marean, Mazurek, McKane, McKenney, McLeod, Millett, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M,

Richardson W, Robinson, Sampson, Seavey, Shields, Sykes, Tardy, Thomas, Twomey, Vaughan, Woodbury.

ABSENT - Barstow, Dunn, Fischer, Greeley, Kaelin, Marraché, Moulton, Pineau, Sherman, Stedman, Valentino.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center

(S.P. 765) (L.D. 1984)

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.

Non-Concurrent Matter

Bill "An Act Concerning Dismantling of Railroad Track"

(H.P. 386) (L.D. 510)

Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on January 10, 2006.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

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

On motion of Representative JACKSON of Allagash, the House adjourned at 11:02 a.m., until 10:00 a.m., Wednesday, February 1, 2006.