

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Thursday, January 4, 2007

The Speaker resumed the Chair.

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

Prayer by Reverend Diane Bennekamper, Congregational Church in Cumberland United Church of Christ.

National Anthem by Elaine Michaud, Mexico.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Clarify the Use and Purpose of Center Turn Lanes"

(S.P. 17) (L.D. 23)

Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

(S.P. 22) (L.D. 24)

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

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

COMMUNICATIONS

The Following Communication: (S.P. 18)

STATE OF MAINE

123RD MAINE LEGISLATURE

December 18, 2006

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development

123rd Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the Honorable John Richardson of Brunswick for appointment as Commissioner of Economic and Community Development.

Pursuant to M.R.S.A. Title 5 §13057, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and with accompanying papers **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 19)

STATE OF MAINE

123RD MAINE LEGISLATURE

December 18, 2006

Sen. Philip L. Bartlett II

Senate Chair, Joint Standing Committee on Utilities and Energy

Rep. Lawrence Bliss

House Chair, Joint Standing Committee on Utilities and Energy

123rd Legislature

Augusta, ME 04333

Dear Senator Bartlett and Representative Bliss:

Please be advised that Governor John E. Baldacci has nominated Vendean Vafiades of Hallowell for appointment to the Public Utilities Commission.

Pursuant to M.R.S.A. Title 35-A §105, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

READ and with accompanying papers **REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

The Following Communication: (S.P. 20)

STATE OF MAINE

123RD MAINE LEGISLATURE

December 18, 2006

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Andrew Horton of Falmouth for appointment to the Superior Court for the State of Maine.

Pursuant to Constitution of the State of Maine Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 21)

STATE OF MAINE

123RD MAINE LEGISLATURE

December 18, 2006

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has nominated the following to the District Court for the State of Maine:

Michael Cantara of Biddeford for appointment
Charles Dow of Winthrop for appointment
MaryGay Kennedy of Brunswick for appointment
Valerie Stanfill of Turner for appointment
Pursuant to M.R.S.A Title 4 §157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.
READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 23)

STATE OF MAINE
123RD MAINE LEGISLATURE

December 29, 2006
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has nominated John O'Neil of Kennebec for appointment to the District Court for the State of Maine.
Pursuant to M.R.S.A Title 4 §157 this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.
READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY** in concurrence.

At this point, the Speaker announced the presence in the Hall of the House, of the Representative from Monmouth Representative SMITH and the Representative from Cutler Representative EMERY and they were added to the roll of the First Regular Session of the 123rd Legislature.

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative SMITH of Monmouth to Seat 119.

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative EMERY of Cutler to Seat 105.

Pursuant to his authority under House Rule 201.1(1)(a), the Chair appointed Representative MOORE of Standish to the Joint Standing Committee on **LEGAL AND VETERANS AFFAIRS**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Require Approval by the Gambling Control Board for the Transfer of Ownership of an Off-track Betting Facility"

(H.P. 36) (L.D. 35)

Sponsored by Representative VALENTINO of Saco.
Cosponsored by Representatives: GERZOFKY of Brunswick, HOTHAM of Dixfield, SMITH of Monmouth, Senator: MITCHELL of Kennebec.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission"

(H.P. 37) (L.D. 36)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator BARTLETT of Cumberland.
Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

Pursuant to Statute
Department of Education

Representative NORTON for the **Department of Education** 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 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 35) (L.D. 34)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 25)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 9, 2007, at 10:00 in the morning.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Change the Maine Land Use Regulation Commission's Lot Size, Coverage and Setback Requirements for Some Affordable Housing Lots on Coastal Islands"

(H.P. 27) (L.D. 25)

(Committee on **NATURAL RESOURCES** suggested)

TABLED - January 3, 2007 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

PENDING - **REFERENCE**.

On motion of Representative KOFFMAN of Bar Harbor, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act To Simplify Wireless Telecommunications"

(S.P. 24) (L.D. 33)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 26)

SENATE OF MAINE

123RD LEGISLATURE

OFFICE OF THE PRESIDENT

December 28, 2006

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

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

Senator Elizabeth Mitchell of Kennebec, Chair

Senator Joseph Perry of Penobscot

Senator Philip L. Bartlett, II of Cumberland

Senator Kevin Raye of Washington

Senator Dana Dow of Lincoln

If you have any questions regarding these appointments, please contact my office.

Sincerely,

S/Beth Edmonds

President of the Senate

READ and **ORDERED PLACED ON FILE**.

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

On motion of Representative CANAVAN of Waterville, the House adjourned at 10:34 a.m., until 10:00 a.m., Tuesday, January 9, 2007 pursuant to the Joint Order (S.P. 25).