

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
7th Legislative Day
Thursday, January 25, 2007

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

Prayer by Reverend Lionel G. Chouinard, Holy Trinity Parish, Lisbon Falls.

National Anthem by Honorable Leila J. Percy, Phippsburg.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of Tuesday, January 23, 2007 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 101)

JOINT RESOLUTION RECOGNIZING HEALTHY COMMUNITIES AND PLANNED APPROACH TO COMMUNITY HEALTH COALITIONS

WHEREAS, health is the result of much more than just medical care. People are healthier when they live in nurturing environments and are involved in the life of their communities; and

WHEREAS, Maine citizens have formed Healthy Communities and Planned Approach to Community Health ("PATCH") coalitions across the State to improve the health of their communities; and

WHEREAS, the Healthy Communities and PATCH coalitions are a broad and sharing network of interrelated groups of citizen volunteers consisting of individuals, families, businesses, schools, churches, health care providers, governments and others with similar concerns and values on health and community issues; and

WHEREAS, Maine is a leader in establishing a network of healthy communities largely due to the effectiveness of the volunteer leaders and organizations in meeting local health needs; and

WHEREAS, the dedication and efforts of the citizen volunteers deserve our highest support and encouragement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, take this opportunity to honor the ideals and accomplishments of the Healthy Communities and PATCH coalitions; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services, Maine Center for Disease Control and Prevention in token of the esteem in which we hold the citizen volunteers of the Healthy Communities and PATCH coalitions.

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

READ and **ADOPTED** in concurrence.

Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

(S.P. 78) (L.D. 241)

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: (H.C. 34)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 20, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Private and Special Laws of the 119th Legislature, Ch. 58, I am pleased to appoint Representative Patsy Garside Crockett of Augusta to the Capital Riverfront Improvement District Governing Board.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 35)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 20, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 20A, §603 I am pleased to appoint Representative Elaine Makas of Lewiston to the Education Commission of the States.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 36)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 20, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, §168-A, I am pleased to appoint Representative David W. Farrington of Gorham to the Legislative Youth Advisory Council.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,
S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 37)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 20, 2007
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:
Pursuant to my authority under Title 34B §1210 I am pleased to appoint Representative Carol A. Grose of Woolwich to the Maine Advisory Committee on Mental Retardation. If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,
S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 38)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 20, 2007
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:
Pursuant to my authority under Title 3, §227, I am pleased to appoint Representative Elaine Makas of Lewiston to the Maine-Canadian Legislative Advisory Commission. If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,
S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 50)
MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY

January 23, 2007
Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Cummings:
In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Utilities and Energy, the following nomination:

Public Utilities Commission

Honorable Vendean V. Vafiades of Hallowell for appointment

Upon the recommendation of the Committee on Judiciary, the following nominations:

District Court Judge

John H. O'Neil of Kennebunk for appointment

Michael P. Cantara of Biddeford for appointment

Charles A. Dow of Winthrop for appointment

Valarie Stanfill of Turner for appointment

Mary Kay Kennedy of Brunswick for appointment

Superior Court Justice

Honorable Andrew M. Horton of Falmouth for appointment

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves 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 Authorize a General Fund Bond Issue for the Land for Maine's Future Program"

(H.P. 287) (L.D. 357)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator TURNER of Cumberland and Representatives: BABBIDGE of Kennebunk, BEAULIEU of Auburn, Speaker CUMMINGS of Portland, KOFFMAN of Bar Harbor, MILLER of Somerville, PIOTTI of Unity, SMITH of Monmouth, Senator: McCORMICK of Kennebec.

Resolve, To Establish a Committee To Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing (EMERGENCY)

(H.P. 285) (L.D. 355)

Sponsored by Representative BROWNE of Vassalboro.

Cosponsored by Senator DAMON of Hancock and Representatives: AUSTIN of Gray, BLANCHARD of Old Town, CEBRA of Naples, FLOOD of Winthrop, HOTHAM of Dixfield, PLUMMER of Windham, RICHARDSON of Warren, SCHATZ of Blue Hill.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative FISCHER of Presque Isle, the Resolve was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

Bill "An Act To Identify the Methodology Used To Develop a Fiscal Note"

(H.P. 290) (L.D. 360)

Sponsored by Representative BURNS of Berwick.

Cosponsored by Senator BOWMAN of York and Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, CARTER of Bethel, FAIRCLOTH of Bangor, HILL of York, MARLEY of Portland, WATSON of Bath, WHEELER of Kittery.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative FISCHER of Presque Isle, the Bill was **REFERRED** to the Joint Select Committee on **JOINT RULES**, ordered printed and sent for concurrence.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders"

(H.P. 281) (L.D. 351)

Sponsored by Representative RICHARDSON of Warren.
Cosponsored by Representatives: FITTS of Pittsfield, FLOOD of Winthrop.

Bill "An Act To Create a Waiting Period for Firearms"

(H.P. 291) (L.D. 361)

Sponsored by Representative CRAVEN of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: BABBIDGE of Kennebunk, BRAUTIGAM of Falmouth, CANAVAN of Waterville, GERZOFISKY of Brunswick, MAKAS of Lewiston, MAZUREK of Rockland, WAGNER of Lewiston, Senator: STRIMLING of Cumberland.

Bill "An Act To Effect the Seizure and Disposal of Contraband Fireworks" (EMERGENCY)

(H.P. 292) (L.D. 362)

Sponsored by Representative GERZOFISKY of Brunswick.
Cosponsored by Senator NASS of York and Representatives: GREELEY of Levant, HANLEY of Gardiner, HASKELL of Portland, SIMPSON of Auburn, SYKES of Harrison.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Improve Juvenile Justice"

(H.P. 293) (L.D. 363)

Sponsored by Representative SYKES of Harrison.
Cosponsored by Representatives: CEBRA of Naples, ROBINSON of Raymond.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Regarding School Transportation"

(H.P. 273) (L.D. 343)

Sponsored by Representative FINCH of Fairfield.
Cosponsored by Representatives: ANNIS of Dover-Foxcroft, EDGECOMB of Caribou, NORTON of Bangor, Senator: MITCHELL of Kennebec.

Bill "An Act To Increase State Funding of Public Education"

(H.P. 276) (L.D. 346)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Representative BERRY of Bowdoinham, Senator STRIMLING of Cumberland and Representatives: BARSTOW of Gorham, CEBRA of Naples, CLARK of Millinocket, EMERY of Cutler, ROBINSON of Raymond, TUTTLE of Sanford.

HEALTH AND HUMAN SERVICES

Bill "An Act To Stop Misleading Drug Advertisements"

(H.P. 294) (L.D. 364)

Sponsored by Representative CAMPBELL of Newfield.
Cosponsored by Senator RAYE of Washington and Representatives: FINLEY of Skowhegan, LEWIN of Eliot, MOORE of Standish, PERRY of Calais, SAVIELLO of Wilton, TREAT of Farmingdale, WALCOTT of Lewiston, Senator: MARRACHÉ of Kennebec.

Resolve, To Promote Community Integration for Individuals with Brain Injuries

(H.P. 295) (L.D. 365)

Sponsored by Representative CRAVEN of Lewiston.
Cosponsored by Representative MAKAS of Lewiston, Senator STRIMLING of Cumberland and Representatives: BABBIDGE of Kennebunk, BRAUTIGAM of Falmouth, BURNS of Berwick, CAMPBELL of Newfield, CANAVAN of Waterville, PERRY of Calais, WAGNER of Lewiston, WALCOTT of Lewiston.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Improve Landowner Relations"

(H.P. 277) (L.D. 347)

Sponsored by Representative WATSON of Bath.
Cosponsored by Senator BRYANT of Oxford and Representatives: CARTER of Bethel, JACKSON of Allagash, WHEELER of Kittery.

Bill "An Act Concerning Certain Hunting License Fees and Antlerless Deer Permits"

(H.P. 286) (L.D. 356)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representatives: JACKSON of Allagash, McLEOD of Lee, RICHARDSON of Carmel, RICHARDSON of Greenville, ROBINSON of Raymond, SYKES of Harrison, WHEELER of Kittery.

Bill "An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species"

(H.P. 296) (L.D. 366)

Sponsored by Representative BRYANT of Windham.
Cosponsored by Senator BRYANT of Oxford and Representatives: LUNDEEN of Mars Hill, RICHARDSON of Carmel, WHEELER of Kittery.

JUDICIARY

Bill "An Act To Amend the Probate Code To Affect Claims against an Estate"

(H.P. 271) (L.D. 341)

Sponsored by Representative WATSON of Bath.
Cosponsored by Senator MILLS of Somerset and Representatives: MILLS of Farmington, SIMPSON of Auburn.

Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators"

(H.P. 284) (L.D. 354)

Sponsored by Representative FLETCHER of Winslow.
Cosponsored by Representatives: CANAVAN of Waterville, THIBODEAU of Winterport.

Bill "An Act To Protect Emergency Room Personnel from Civil Liability"

(H.P. 297) (L.D. 367)

Sponsored by Representative MacDONALD of Boothbay.
Cosponsored by Representatives: McKANE of Newcastle, WOODBURY of Yarmouth, Senator: DOW of Lincoln.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Limit Contributions to Political Action Committees"

(H.P. 278) (L.D. 348)

Sponsored by Speaker CUMMINGS of Portland.
Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: KOFFMAN of Bar Harbor, PATRICK of Rumford.

NATURAL RESOURCES

Bill "An Act To Require the Replacement of Trees Cut in Shoreland Areas" (H.P. 270) (L.D. 340)

Sponsored by Representative HILL of York.

Cosponsored by Senator BOWMAN of York and Representatives: GERZOFKY of Brunswick, SILSBY of Augusta, WHEELER of Kittery.

Bill "An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances"

(H.P. 275) (L.D. 345)

Sponsored by Representative KOFFMAN of Bar Harbor.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Contract Out the State Single Audit"

(H.P. 272) (L.D. 342)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator WESTON of Waldo and Representatives: CROSTHWAITE of Ellsworth, HANLEY of Gardiner, MILLETT of Waterford, RICHARDSON of Warren, TARDY of Newport, Senator: DOW of Lincoln.

Bill "An Act To Modify the Membership of the Franklin County Budget Advisory Committee"

(H.P. 274) (L.D. 344)

Sponsored by Representative PINEAU of Jay.

Cosponsored by Representative SAVIELLO of Wilton.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee

(H.P. 283) (L.D. 353)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator GOOLEY of Franklin and Representatives: CEBRA of Naples, DUPREY of Hampden, EMERY of Cutler, JOY of Crystal, LANSLEY of Sabattus, McKANE of Newcastle, ROBINSON of Raymond, VAUGHAN of Durham.

TAXATION

Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"

(H.P. 279) (L.D. 349)

Sponsored by Representative BROWNE of Vassalboro.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: CEBRA of Naples, FITTS of Pittsfield, HANLEY of Gardiner, HOTHAM of Dixfield, RINES of Wiscasset, THOMAS of Ripley, WATSON of Bath, Senator: SHERMAN of Aroostook.

Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program"

(H.P. 288) (L.D. 358)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator BRYANT of Oxford and Representatives: JACKSON of Allagash, PIOTTI of Unity, WHEELER of Kittery.

Bill "An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees"

(H.P. 298) (L.D. 368)

Sponsored by Representative HARLOW of Portland.

Cosponsored by Representatives: MAKAS of Lewiston, McFADDEN of Dennysville, NORTON of Bangor, Senator: MILLS of Somerset.

TRANSPORTATION

Bill "An Act To Protect Citizens from Physical Injury Due to Obstructed Driveways"

(H.P. 280) (L.D. 350)

Sponsored by Representative HILL of York.

Cosponsored by Senator BOWMAN of York and Representatives: BURNS of Berwick, GERZOFKY of Brunswick, PINGREE of North Haven.

UTILITIES AND ENERGY

Bill "An Act To Provide an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations"

(H.P. 282) (L.D. 352)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Representatives: BARSTOW of Gorham, JOY of Crystal.

Bill "An Act To Require High-speed Internet Access for All Maine Residents"

(H.P. 299) (L.D. 369)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SMITH of Piscataquis and Representatives: BEAUDETTE of Biddeford, BERUBE of Lisbon, CURTIS of Madison, FLETCHER of Winslow, HANLEY of Gardiner, MAKAS of Lewiston, PINGREE of North Haven, SAVIELLO of Wilton, Senator: BENOIT of Sagadahoc.

**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 182: Formula for Distribution of Funds to Child Development Services Regional Sites (EMERGENCY)

(H.P. 268) (L.D. 334)

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.

**Pursuant to Statute
Community Preservation Advisory Committee**
Representative KOFFMAN for the **Community Preservation Advisory Committee** pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asks leave to report that the accompanying Bill "An Act To Reward Cooperation in Comprehensive Planning"

(H.P. 269) (L.D. 333)

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

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

Sent for concurrence.

Pursuant to Statute

Community Preservation Advisory Committee

Representative KOFFMAN for the **Community Preservation Advisory Committee** pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asks leave to report that the accompanying Bill "An Act To Link Sewer Extension Funding to Comprehensive Planning"

(H.P. 289) (L.D. 359)

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

Report was **READ** and **ACCEPTED** and the Bill **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 items:

Recognizing:

The Wolfington Group, of Augusta, which has received a 2007 President's Award from the Kennebec Valley Chamber of Commerce. Harry J. Wolfington, of Hallowell, turned his automobile sales experience into a multimillion-dollar consulting, training and marketing company that services automobile dealerships nationwide. The Wolfington Group, incorporated since 1999, has expanded from a handful of employees to more than 100 and is one of the largest automobile marketing companies in the country. We congratulate Mr. Wolfington, the Wolfington Group and all of its employees on their receiving this honor and send them our best wishes for future success;

(HLS 52)

Presented by Representative CROCKETT of Augusta. Cosponsored by Representative BROWNE of Vassalboro, Senator MITCHELL of Kennebec, Representative HOLMAN of Fayette, Senator GOOLEY of Franklin, Representative MILLER of Somerville, Senator McCORMICK of Kennebec, Representative RINES of Wiscasset, Senator BENOIT of Sagadahoc, Representative TREAT of Farmingdale, Representative HANLEY of Gardiner, Representative SMITH of Monmouth, Representative FLOOD of Winthrop, Representative BERRY of Bowdoinham, Senator DOW of Lincoln, Representative KNIGHT of Livermore Falls, Representative SILSBY of Augusta.

On **OBJECTION** of Representative CROCKETT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud and honored that the Wolfington Group is in my district, located just a short distance from the State House on Western Avenue. They are one of the 2007 Kennebec Valley Chamber of Commerce President Award winners. Harry Wolfington is President of the company and he is with us in the gallery today with his wife.

Harry Wolfington turned his automobile sales experience into a multi-million dollar consulting, training, and marketing company that services new car, automobile dealerships nationwide. In addition to being a very successful businessman, I have been told by many, that Mr. Wolfington is the kindest, most generous person they know. That he never turns anyone in need of help away.

In 2003, the 121st Legislature honored Mr. Wolfington for being a local philanthropist, whose general spirit and willingness to help individuals in need was appreciated by citizens throughout the state. Mr. Wolfington's kind deeds, includes, providing fuel oil for families, supporting local food banks, helping individuals with medical needs, and countless other acts of kindness. This past Christmas, a group of high school students were helping a needy family, and they ran out of money. They contacted Harry, and he saw to it that the students had the money they needed to help a family have a merry Christmas.

Mr. Wolfington, thank you for being one of Maine's business success stories. Thank you for keeping your business in Augusta. And thank you for being a caring person.

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

Recognizing:

Mark L. Johnston, of Manchester, President and CEO of Kennebec Savings Bank, who has been named the 2007 Business Person of the Year by the Kennebec Valley Chamber of Commerce. A banker since 1975, Mr. Johnston joined Kennebec Savings Bank in 1992 and became its President and CEO in 1999. Aside from helping to grow a successful business, Mr. Johnston has also held professional posts, such as Chairman of the Maine Association of Community Banks, and still finds time to volunteer for numerous local organizations. We congratulate Mr. Johnston on his receiving this honor and extend our best wishes for his continued success;

(HLS 54)

Presented by Representative SILSBY of Augusta. Cosponsored by Representative BROWNE of Vassalboro, Senator MITCHELL of Kennebec, Representative CROCKETT of Augusta, Representative HOLMAN of Fayette, Senator GOOLEY of Franklin, Representative MILLER of Somerville, Senator McCORMICK of Kennebec, Representative RINES of Wiscasset, Senator BENOIT of Sagadahoc, Representative TREAT of Farmingdale, Representative HANLEY of Gardiner, Representative SMITH of Monmouth, Representative FLOOD of Winthrop, Representative BERRY of Bowdoinham, Senator DOW of Lincoln, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative SILSBY of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand to recognize an amazing leader in our midst, who has been named the Kennebec Valley Chamber of Commerce 2007 Business Person of the Year, Mark L. Johnston.

Mark L. Johnston is the President and CEO of Kennebec Savings Bank and is a Jefferson native and an Augusta area banker since 1975. Mark's leadership helped grow Kennebec Savings Bank with branches in Augusta, Winthrop, and Waterville, from 35 to 75 employees and assets from \$157 million to \$600 million. Mark is also one of the Augusta area's most generous and notable volunteer leaders. Mark has given his time, resources, and finances to help raise money for the new Cony High School, and the new YMCA.

He is currently chairing the campaign for the Harold Alford Cancer Center and has volunteered his time the United Way, Chamber of Commerce, Kennebec KV Camp and numerous other non-profit organizations in our area. And he is often out

every night of the week supporting one of our community organizations. On a side note, since the age of 14, he has played the organ for 40 straight summers at his Jefferson church. And Mark can be found playing the piano at many of our community events in the Augusta area.

Mark Johnston's commitment to his community is a model for all citizens of this great State of Maine. And I ask you to join me in congratulating Mark L. Johnston for Business Person of the Year for the Kennebec Valley Chamber of Commerce. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to say a few words about Mark. Like many Augusta residents, I am pleased to call Mark Johnston a friend. Mark's daughter comes to my house to play with my granddaughter and it is always fun to have two 13-year-old girls in the house. I've known Mark and respected him for many years. He is truly one of the nicest, kindest, most caring people persons I know. Mark is very dedicated to his family, his job, and his community.

For those of us who know Mark, it's easy to see why he has been awarded the Kennebec Valley Chamber of Commerce Business Person of the Year award. Congratulations on receiving the award, Mark. And thank you for being part of Augusta's business community and for making Augusta a better place to live, work, and play.

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

Recognizing:

Stephen P. Pecukonis, of Bowdoinham, and the Kennebec Leadership Institute, of Topsham, for receiving a 2007 Community Service Award from the Kennebec Valley Chamber of Commerce. Kennebec Leadership Institute is one of Maine's top leadership training programs and, since 1987, has graduated more than 250 area people, who are better prepared to lead in their businesses, volunteer organizations or elective offices. An experienced human resources specialist and management consultant, Mr. Pecukonis has been the facilitator of Kennebec Leadership Institute since 1987 and has provided highly enlightened and enthusiastic teaching to the training process. We congratulate Mr. Pecukonis and the Kennebec Leadership Institute on their receiving this honor and send our best wishes for their continued success;

(HLS 57)

Presented by Representative SILSBY of Augusta. Cosponsored by Representative BROWNE of Vassalboro, Senator MITCHELL of Kennebec, Representative CROCKETT of Augusta, Representative HOLMAN of Fayette, Senator GOOLEY of Franklin, Representative MILLER of Somerville, Senator McCORMICK of Kennebec, Representative RINES of Wiscasset, Senator BENOIT of Sagadahoc, Representative TREAT of Farmingdale, Representative HANLEY of Gardiner, Representative SMITH of Monmouth, Representative FLOOD of Winthrop, Representative BERRY of Bowdoinham, Senator DOW of Lincoln, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative SILSBY of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand to

recognize the recipient of the Community Service Award of the Kennebec Valley Chamber of Commerce, Stephen P. Pecukonis. Stephen Pecukonis is recognized for his contributions for the Kennebec Valley KLI, or otherwise known as Kennebec Leadership Institute Leadership Program. It was started in 1987 by the Chamber and the University of Maine at Augusta, and was modeled after the Leadership Maine Program that is sponsored by the Maine Development Foundation.

Since its inception, the program has graduated over 250 leaders in our community. To the graduates of KLI, Stephen Pecukonis was the spark or the beginning of civic involvement and leadership development. Stephen has a highly enlightened and absolutely enthusiastic teaching style that empowers and inspires his students to contribute to making the world a better place. I had the great fortune of being part of Class 9 of KLI. Stephen Pecukonis' advice to his students is to get involved. And his motto is to volunteer your time in organizations that you feel passionate about. His motto is do what you love. I took up his advice and was elected to represent the great citizens of Augusta and the State of Maine in the House of Representatives.

Please join me in congratulating Stephen Pecukonis for the amazing contributions he's made to the KLI Program in the Augusta area and for the Community Service Award that he's received for Kennebec Valley Chamber of Commerce. Thank you.

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

Recognizing:

Burton Edwards, of South Portland, who retired in December 2006 after serving for 18 years on the South Portland School Board, most of those years serving in the position of Chairman or Vice Chairman. Mr. Edwards was very involved in the creation and support of many projects over the years, including the Master School Committee for Elementary Schools, the Committee for Vision for Our Schools, the Learning Belief Statement, the High School Auditorium Committee and the Reading Recovery Program. Mr. Edwards was also involved with local athletics, either as a member of the South Portland High School Booster Club for various sports or as a T-ball coach. In addition to all of this, he and his wife raised 5 wonderful children, all of whom graduated from South Portland High School. We congratulate Mr. Edwards on the occasion of his retirement and we applaud all of his efforts, which have helped his community immeasurably;

(HLS 61)

Presented by Representative EBERLE of South Portland. Cosponsored by Representative BLISS of South Portland, Senator BROMLEY of Cumberland, Representative KAENRATH of South Portland.

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, Men and Women of the House. I am very proud to stand up today and honor Burt Edwards for doing probably one of the most difficult jobs in a community, the task for running for and serving on a local School Board. As you can imagine the issues that come before the members of the Board of Education, are very intense issues and involve families and their children and their education. And Mr. Edwards has faced all of these challenges with grace and a plum over the 18 years he has served.

As you heard, he also has been very involved in the community in athletics, High School Booster Clubs. His children that you heard mentioned, all graduated from South Portland High School. And Mr. Edwards was able to hand all of them except one their diploma, he happened not to be the Chair that year. And then those wonderful, young citizens all went on to graduate from colleges in Maine.

We have a couple of comments today from Burt's family. His daughter remembers when he was running for the School Board, and she says that as children, ranging in ages from 3 to 15 years old, we were all thrilled that he was running. But in the dark ages, she says, before color copiers, Internet, and email, fancy signs and community papers, the glamour quickly faded. We spent countless hours spray-painting signs and folding photo copied black and white flyers, which then needed to be hand delivered. She says, "I remember trudging around covering just about all the South Portland community on weekends with flyers. It was a pretty cool way for someone in high school to spend their weekends. I always prayed that I would not see anyone I knew. Having our dad on the School Board had both advantages and disadvantages."

And the ultimate message when we decided that we would like to get Burt here today to honor him with this Sentiment, his family tried to keep it a secret from him, but as you can imagine, that task is a little daunting. So last night they finally had to break the news to him that he wasn't coming today to help his son-in-law. He was coming to receive a sentiment. And his daughter read him a poem that begins, "Hope you're ready busta, cause you're going to Augusta." And the poem ends with, "Your accomplishment in the last 18 years will be shared. It will show your hard work, dedication, and how much you cared. I hope you know how very proud we are of you, not only to your dedication to the schools, but us too." So I thank you all very much and welcome Burt and his family here and honor his accomplishments over the 18 years for South Portland children. Thank you Mr. Speaker.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I cannot imagine being on a school board. I have no idea why anyone would want to be on a school board. Many of you have been on, and many of you are still on your own local school boards. And the job is so intense, and so difficult, partly because you're dealing with limited dollars, and partly because you're dealing with your friends and neighbors and your children. It is the supreme thankless, public service job.

Burt didn't do it once, and he didn't do it twice, and he didn't even do it three times. Think about 18 years. When I was running for this seat for the first time, seven years ago, the big issue in South Portland was neighborhood elementary schools. Do we regionalize? Do we make one big elementary school? It was a very hot topic. Frankly, I wasn't very well versed on that issue, and people said to me over and over again, "Talk to Burt. Talk to Burt."

I have since learned in the last seven years in being in the Legislature, that anything that deals with the schools in South Portland, or that deals with young people in the community in South Portland, the answer is, talk to Burt. So I'm delighted to stand up here and commend Burt on what he thinks is his retirement. But I want to promise in front of all of you, that when the next issue comes along, the answer in South Portland is going to be talk to Burt. Thank you Mr. Speaker.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 23, 2007, 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 Provide Equity in County Jail Maximum Sentences"

(H.P. 263) (L.D. 329)

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested)

TABLED - January 23, 2007 (Till Later Today) by Representative GERZOFKY of Brunswick.

PENDING - **REFERENCE**.

On motion of Representative GERZOFKY of Brunswick, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

The Chair laid before the House the following items which were **TABLED** and today assigned:

TABLED AND TODAY ASSIGNED

Joint Order To Add Joint Rule 305-A, Research required on all bills and resolves referred to a Joint Standing Committee

(H.P. 267)

TABLED - January 23, 2007 by Speaker CUMMINGS of Portland.

PENDING - **PASSAGE** (2/3 Vote Required).

On motion of Representative GERZOFKY of Brunswick, the Joint Order was **REFERRED** to the Joint Select Committee on **JOINT RULES**, ordered printed and sent for concurrence.

TABLED AND TODAY ASSIGNED

House Order To Add House Rule 108 Restricting Handheld Electronic Devices and Personal Computers

(H.O. 14)

TABLED - January 23, 2007 by Representative PILON of Saco.

(Pursuant to House Rule 524)

PENDING - **PASSAGE**.

On motion of Representative GERZOFKY of Brunswick, the House Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The Following Communication: (H.C. 39)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
HOUSE COMMITTEE ON HOUSE RULES**

January 23, 2007

Members, Legislative Council Subcommittee on Technology
State House
Augusta, ME 04333

Dear President Edmonds and Subcommittee Members:

The House Committee on Rules today voted unanimously to endorse the concept as presented by Representative Linda Valentino to provide laptops and the necessary software to support the electronic dissemination of calendars, supplements, bills, amendments, and other documents as appropriate to each member of the House.

The committee would appreciate receiving any information that may be helpful to this pursuit that your subcommittee may have to offer by June 1, 2007.

We thank you for your efforts and look forward to working on this project for the House.

Sincerely,

S/Representative Stan Gerzofsky, Chair

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

The following Joint Order: (S.P. 109)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 30, 2007, at 10:00 in the morning.

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

READ and PASSED in concurrence.

Bill "An Act To Provide Funding for the Maine-Canada Trade Ombudsman"

(S.P. 118) (L.D. 374)

Bill "An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund"

(S.P. 120) (L.D. 376)

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 Regarding the Labor Market Adjustment for Teacher Salary Costs under Essential Programs and Services Funding"

(S.P. 111) (L.D. 338)

Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies

(S.P. 114) (L.D. 370)

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.

Bill "An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims"

(S.P. 116) (L.D. 372)

Bill "An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison"

(S.P. 122) (L.D. 378)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities"

(S.P. 112) (L.D. 339)

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 Expand the Fall Wild Turkey Hunting Season"

(S.P. 123) (L.D. 379)

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 To Protect Young Consumers"

(S.P. 115) (L.D. 371)

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 To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State"

(S.P. 117) (L.D. 373)

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

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

Bill "An Act To Amend the Family Medical Leave Laws"

(S.P. 119) (L.D. 375)

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

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

Bill "An Act To Exempt Certain Shipping Fees from the Sales Tax"

(S.P. 110) (L.D. 337)

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

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

Bill "An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered"

(S.P. 125) (L.D. 381)

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

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

Pursuant to Statute

Community Preservation Advisory Committee

Report of the **Community Preservation Advisory Committee** pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asks leave to report that the accompanying Bill "An Act To Reauthorize the Community Preservation Advisory Committee"

(S.P. 108) (L.D. 336)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The following Joint Resolution: (S.P. 113)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO REPEAL THE REAL ID ACT OF 2005

WE, your Memorialists, the Members of the One Hundred and Twenty-Third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the Secretary of Homeland Security and the Congress of the United States, as follows:

WHEREAS, the federal REAL ID Act of 2005 mandates an unfunded national driver's license on the people of Maine and was passed as a rider on a military spending bill; and

WHEREAS, implementation of the REAL ID Act of 2005 will cost Maine taxpayers approximately \$185 million; and

WHEREAS, the REAL ID Act of 2005 national database will invite theft of identity and invasion of privacy; and

WHEREAS, the REAL ID Act of 2005 will impose inconveniences and higher taxes on Mainers with no attendant benefit such as protections from terrorism; now, therefore, be it

RESOLVED: That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

Came from the Senate, **READ**.

Representative FAIRCLOTH of Bangor **REQUESTED** a roll call on the motion to **ADOPT** the Joint Resolution.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

ROLL CALL NO. 4

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Cressey, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson E, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Duprey, Jacobsen, Plummer, Robinson.

ABSENT - Craven, Holman, Hotham, Kaenrath, McDonough, Perry, Pilon, Pineau, Pinkham, Smith N.

Yes, 137; No, 4; Absent, 10; Excused, 0.

137 having voted in the affirmative and 4 voted in the negative, with 10 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

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

On motion of Representative MILLS of Farmington, the House adjourned at 12:33 p.m., until 10:00 a.m., Tuesday, January 30, 2007 pursuant to the Joint Order (S.P. 109) and in honor and lasting tribute to Gerald "Jerry" Parr, of Farmington and Laura Vogel, of Standish.