

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
8th Legislative Day
Tuesday, January 30, 2007

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

Prayer by Professor Douglas Walrath, Lowry Professor of Practical Theology, Bangor Theological Seminary (retired).

National Anthem by Kera Ellis, Phillips.

Pledge of Allegiance.

Doctor of the day, Lisa Clarcq, D.O., Wayne.

At this point, a message came from the Senate borne by Senator Mitchell of Kennebec of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative PINGREE of North Haven to convey this message to the Senate.

The Journal of Thursday, January 25, 2007 was read and approved.

SENATE PAPERS

Bill "An Act To Require Mapping of Conservation Easements, Purchases and Gifts"

(S.P. 92) (L.D. 277)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Protect the Public from Dangerous Dogs"

(S.P. 124) (L.D. 380)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Non-Concurrent Matter

Bill "An Act To Stop Misleading Drug Advertisements"

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on January 25, 2007.

Came from the Senate **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

On motion of Representative FAIRCLOTH of Bangor, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 40)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 8, 2007

Chief Justice Leigh I. Saufley

Maine Supreme Judicial Court

P. O. Box 368

Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 123rd Maine Legislature on Tuesday, January 30, 2007 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

Subsequently, Representative PINGREE of North Haven reported that she had delivered the message with which she was charged.

The Following Communication: (H.C. 41)

**STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112**

January 10, 2007

The Honorable Beth G. Edmonds

President of the Senate

3 State House Station

Augusta, Maine 04333-0003

The Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear President Edmonds and Speaker Cummings:

I am pleased to accept your invitation to address a Joint Session of the 123rd Maine Legislature on Tuesday, January 30, 2007, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on January 30, 2007.

Sincerely,

S/Leigh I. Saufley

Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 42)
**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF INTEGRATED ACCESS AND SUPPORT
DIVISION OF SUPPORT ENFORCEMENT AND RECOVERY
268 WHITTEN ROAD
11 STATE HOUSE STATION
AUGUSTA, ME 04333-0011**

January 8, 2007

Honorable Glenn Cummings
Speaker of the House
2 State House Station, Room 303
Augusta, Maine 04333-0002

Re: Child Support Enforcement License Revocation Report:
January 1, 2004 through December 31st, 2006

Dear House Speaker Cummings:

In accordance with 19-A MRSA §2201(15) and 2202(12) the Department of Health and Human Services, Office of Integrated Access and Support, Division of Support Enforcement and Recovery (DSE) is responsible for reporting biennially to the Legislature and the Governor regarding the license revocation process. In 1993, the elements of the Report were formulated at the Legislative Session prior to the actual implementation of the process. Unfortunately, the information required by statute does not reflect how the law is applied today. The attached License Revocation Report best reflects the actual process, and gives an accurate portrayal of how DSE uses this law, and the periodic results. Also attached hereto is a national study completed by the Office of the Inspector General regarding the effectiveness of several States' license revocation laws.

For Professional and Recreational Licenses:

Requirement #1:

The following is a Report of the number of support obligors identified as holding licenses subject to this section.

DSE must precede all enforcement actions by sending a Notice of Debt to all non-custodial parents. The Notice of Debt confirms the amount of support ordered and unpaid balances owed; and it lists the various types of enforcement remedies available to DSE to compel compliance with child support collections. For the reporting period ending December 31, 2006, DSE had an obligated caseload of 57,305. All of these cases become immediately eligible for license revocation if all steps have been unsuccessful to collect support, and there have been no payments in the last 60 days. DSE does not identify individual licenses that are held, but rather contacts all licensing agencies within Maine asking that all licenses held by non-paying non-custodial parents be suspended.

Requirement #2:

The following is a Report of the number of support obligors identified by the Department who are not in compliance with an order for support. During this reporting period, DSE suspended 5,569 professional business and recreational licenses of individuals who were not in compliance with their orders for support. Each case is reviewed individually to make certain it meets the requirements for suspension as provided by statute.

Requirement #3:

The following is a Report of the number of enforcement actions taken by the Department and the results of those enforcement actions. DSE records show 5,569 professional business and recreational licenses were suspended by licensing agencies in Maine. At the request of DSE 3,425 licenses were reinstated as a result of payment agreements entered into by non-custodial parents. It is important to note that future noncompliance with a payment agreement may result in immediate suspension of all licenses held by the nonpaying obligor.

For Drivers Licenses:

Requirement #1:

The following is a Report of the number of notices served upon obligors by the Department. DSE issued in excess of 13,200 Notices of Debt during this reporting period. This number combined with DSE's obligated caseload is now the eligible caseload for drivers' licenses suspension. More than 6,651 drivers' licenses were suspended as a result of actions by DSE during this reporting period.

Requirement #2:

The following is a Report of the number of obligors served notice under this section who requested a hearing. DSE and the Office of the Administrative Hearings do not track the specific type of hearing request received from non-custodial parents. A poll of regional staff handling these hearings estimate less than 100 hearings were scheduled statewide to address this issue.

Requirement #3:

The following is a Report of the number of hearings held under this section, the results of the hearings, and the number of cases settled without the need for a hearing. DSE estimates that 50 of the scheduled hearings were settled prior to or during the administrative hearing, and the majority of the remainder were abandoned by the non-custodial parents. Several obligors were able to demonstrate circumstances that would warrant reinstatement of suspended licenses. Additionally, 4,267 suspension proceedings were settled shortly after certification, and statements of compliance were issued to the Bureau of Motor Vehicles as a direct result of payment agreements obtained by DSE.

Requirement #4:

The following is a Report of the number of support obligations certified to the Secretary of State for noncompliance with an order for support. 6,651 obligors were certified to the Secretary of State from January 1, 2004 through December 31, 2006 for noncompliance with an order for support.

Requirement #5:

The following is a Report of the costs incurred in the implementation and enforcement of this section and the Department's actions. DSE estimates direct costs under this section to be less than \$100,000 from January 1, 2004 through December 31, 2006.

Thank you for the opportunity to report on this valuable child support enforcement remedy. Our hope is to work together to develop the most informative Report that illustrates the effectiveness of the license revocation process to the child support program.

Sincerely,
S/Stephen L. Hussey

Director

Division of Support Enforcement and Recovery

**READ and with accompanying papers ORDERED PLACED
ON FILE.**

The Following Communication: (H.C. 43)
**UNIVERSITY OF MAINE
MARGARET CHASE SMITH POLICY CENTER
5715 COBURN HALL
ORONO, MAINE 04469-5715**

January 26, 2007

Honorable Millicent M. MacFarland
Clerk of the House of Representatives
2 State House Station
Augusta, ME 04333-0002

Re: Maine State Government Summer Internship Program

Dear Clerk MacFarland:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2006 Maine State Government Summer Internship Report for distribution to the Members of the Maine House of Representatives.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students an opportunity to participate in and contribute to Maine State Government. Student applications must be received by the Margaret Chase Smith Policy Center by Monday, March 19, 2007. Application forms can be downloaded at <http://www.umaine.edu/mcsc/MeSGIP.htm>.

Thank you for your assistance in making this report available to the Members of the House.

Yours truly,

S/Charles E. Morris

Research Associate

Director, Maine State Government Summer Internship Program

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.P. 126)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 24, 2007

Sen. Ethan Strimling

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

123rd Legislature

Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine State Retirement System Board of Trustees:

Carol Mitchell of Portland for appointment

Peter Leslie of Waterford for reappointment

Benedetto Viola of Scarborough for reappointment

Kenneth Williams of Damariscotta for reappointment

Richard Metivier of Lewiston for reappointment

Pursuant to Title 5 M.R.S.A. §17102, these nominations will require review by the Joint Standing Committee on Labor 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 **REFERRED** to the Committee on **LABOR**.

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

The Following Communication: (S.P. 127)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 25, 2007

Sen. Bill Diamond

Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety

Rep. Stan Gerzofsky

House Chair, Joint Standing Committee on Criminal Justice and Public Safety

123rd Legislature

Augusta, ME 04333

Dear Senator Diamond and Representative Gerzofsky:

Please be advised that Governor John E. Baldacci has nominated Robert McAleer of Harpswell for appointment as Director of Maine Emergency Management Agency.

Pursuant to M.R.S.A. Title 37-B §704, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water"

(H.P. 322) (L.D. 406)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Representatives: BLISS of South Portland, EBERLE of South Portland, FAIRCLOTH of Bangor, Senator: DAMON of Hancock.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals"

(H.P. 316) (L.D. 400)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Senator ROSEN of Hancock and Representatives: BLISS of South Portland, CLEARY of Houlton, EATON of Sullivan, KOFFMAN of Bar Harbor, PIEH of Bremen, PIOTTI of Unity, ROSEN of Bucksport, Senator: NUTTING of Androscoggin.

Bill "An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail"

(H.P. 327) (L.D. 411)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator BROMLEY of Cumberland and Representatives: CAMPBELL of Newfield, GROSE of Woolwich, SAMSON of Auburn, WALCOTT of Lewiston, Senators: BRANNIGAN of Cumberland, MARRACHÉ of Kennebec.

Bill "An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses"

(H.P. 342) (L.D. 426)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Senator DAMON of Hancock and Representatives: BLISS of South Portland, CLEARY of Houlton,

EATON of Sullivan, KOFFMAN of Bar Harbor, PIEH of Bremen, PIOTTI of Unity, ROSEN of Bucksport, Senator: ROSEN of Hancock.

Bill "An Act To Authorize a General Fund Bond Issue for Recreational Facilities"

(H.P. 343) (L.D. 427)

Sponsored by Representative SCHATZ of Blue Hill. Cosponsored by Representatives: FAIRCLOTH of Bangor, PINGREE of North Haven, ROSEN of Bucksport, Senator: DAMON of Hancock.

Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts"

(H.P. 349) (L.D. 450)

Sponsored by Representative PINGREE of North Haven. Cosponsored by Senator DAMON of Hancock and Representatives: EATON of Sullivan, EMERY of Cutler, MacDONALD of Boothbay, MIRAMANT of Camden, PERCY of Phippsburg, RECTOR of Thomaston, Senators: DOW of Lincoln, RAYE of Washington.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Require Stable Gasoline Pricing"

(H.P. 301) (L.D. 385)

Sponsored by Representative GERZOFKY of Brunswick. Cosponsored by Senator STRIMLING of Cumberland and Representatives: BURNS of Berwick, CLEARY of Houlton, DRISCOLL of Westbrook, EATON of Sullivan, FINCH of Fairfield, MAKAS of Lewiston, PRATT of Eddington, PRIEST of Brunswick.

Bill "An Act To Conserve Energy in Maine Households"

(H.P. 344) (L.D. 428)

Sponsored by Representative FLETCHER of Winslow. Cosponsored by Senator BARTLETT of Cumberland and Representatives: BERUBE of Lisbon, BLISS of South Portland, BRAUTIGAM of Falmouth, CAMPBELL of Newfield, CANAVAN of Waterville, MUSE of Fryeburg, RINES of Wiscasset, Senator: DOW of Lincoln.

Bill "An Act To Support the Creative Economy Effort"

(H.P. 350) (L.D. 451)

Sponsored by Representative WEBSTER of Freeport. Cosponsored by Senator MARRACHÉ of Kennebec and Representative: BEAUDETTE of Biddeford.

Bill "An Act To Encourage the Reuse of Plastic Containers"

(H.P. 351) (L.D. 452)

Sponsored by Representative NORTON of Bangor. (BY REQUEST)

Cosponsored by Representative: FARRINGTON of Gorham.

Bill "An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information"

(H.P. 302) (L.D. 386)

Sponsored by Representative HINCK of Portland. Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAMPBELL of Newfield, CANAVAN of Waterville, CONNOR of Kennebunk, CRAVEN of Lewiston, PERRY of Calais, PIOTTI of Unity, Senators: BARTLETT of Cumberland, MITCHELL of Kennebec.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Make the Prison Industry Program More Effective"

(H.P. 324) (L.D. 408)

Sponsored by Representative GERZOFKY of Brunswick. Cosponsored by Senator DIAMOND of Cumberland and Representatives: BLANCHETTE of Bangor, BRYANT of Windham, HOTHAM of Dixfield, KAENRATH of South Portland, RINES of Wiscasset, SMITH of Monmouth, SYKES of Harrison, WEDDELL of Frankfort.

Bill "An Act To Make Maine Safer by Collecting DNA from Those Convicted of Felonies"

(H.P. 334) (L.D. 418)

Sponsored by Representative MARLEY of Portland. Cosponsored by Representatives: CLARK of Millinocket, MILLETT of Waterford, Senator NUTTING of Androscoggin.

Bill "An Act To Ensure the Safety of the Public and of Victims of Sexual Assault" (EMERGENCY)

(H.P. 339) (L.D. 423)

Sponsored by Representative JACOBSEN of Waterboro. Cosponsored by Senator COURTNEY of York and Representatives: DUPREY of Hampden, HOLMAN of Fayette, McLEOD of Lee, MOORE of Standish.

Bill "An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence"

(H.P. 340) (L.D. 424)

Sponsored by Representative CLEARY of Houlton. Cosponsored by Senator COURTNEY of York and Representatives: EATON of Sullivan, MacDONALD of Boothbay, PRESCOTT of Topsham, SAMSON of Auburn, SILSBY of Augusta.

Bill "An Act To Improve the Driver Education and Evaluation Programs"

(H.P. 303) (L.D. 387)

Sponsored by Representative WALCOTT of Lewiston. Cosponsored by Senator MARTIN of Aroostook and Representative: WEBSTER of Freeport. Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

On motion of Representative GERZOFKY of Brunswick, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Limit Regional Adjustments to Teacher Salaries"

(H.P. 320) (L.D. 404)

Sponsored by Representative TARDY of Newport. Cosponsored by Representatives: CRAY of Palmyra, FITTS of Pittsfield, THOMAS of Ripley, Senators: PLOWMAN of Penobscot, SMITH of Piscataquis.

Bill "An Act To Repeal the Certification and Authorization Fees for School Personnel"

(H.P. 326) (L.D. 410)

Sponsored by Representative CLARK of Millinocket. Cosponsored by Senator STRIMLING of Cumberland and Representatives: BURNS of Berwick, DRISCOLL of Westbrook, JOY of Crystal, TUTTLE of Sanford, Senator: SULLIVAN of York.

Bill "An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools"

(H.P. 352) (L.D. 453)

Sponsored by Representative DUPREY of Hampden.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CRESSEY of Cornish, LANSLEY of Sabattus, ROBINSON of Raymond, THIBODEAU of Winterport, THOMAS of Ripley.

Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

(H.P. 353) (L.D. 454)

Sponsored by Representative SILSBY of Augusta.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: BEAULIEU of Auburn, CONNOR of Kennebunk, CROCKETT of Augusta, NORTON of Bangor, PRESCOTT of Topsham, SAMSON of Auburn, SUTHERLAND of Chapman, TRINWARD of Waterville.

Bill "An Act Authorizing the Institute for Doctoral Studies in the Visual Arts To Confer the Degree of Doctor of Visual Arts" (EMERGENCY)

(H.P. 361) (L.D. 462)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by President EDMONDS of Cumberland and Representative: NORTON of Bangor, Senator: TURNER of Cumberland.

Bill "An Act To Support and Create Creative Economy Businesses"

(H.P. 348) (L.D. 449)

Sponsored by Representative BEAUDETTE of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: CLEARY of Houlton, RECTOR of Thomaston, SMITH of Monmouth, Senators: COURTNEY of York, SCHNEIDER of Penobscot.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested.

On motion of Representative NORTON of Bangor, the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

HEALTH AND HUMAN SERVICES

Bill "An Act To Establish Necessary MaineCare Pharmacy Incentives" (EMERGENCY)

(H.P. 321) (L.D. 405)

Sponsored by Representative LEWIN of Eliot.

Cosponsored by Senator RAYE of Washington and Representatives: CAMPBELL of Newfield, CROSTHWAITE of Ellsworth, FINLEY of Skowhegan, GROSE of Woolwich, TARDY of Newport, WALCOTT of Lewiston, WALKER of Lincolnville, Senator: ROSEN of Hancock.

Bill "An Act To Decrease Cervical Cancer in Maine Girls"

(H.P. 330) (L.D. 414)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Representative SIMPSON of Auburn.

Bill "An Act To Enable the Dirigo Health Program To Be Self-administered"

(H.P. 347) (L.D. 431)

Sponsored by Representative CONOVER of Oakland.

Cosponsored by Representatives: BRYANT of Windham, HARLOW of Portland, President EDMONDS of Cumberland and

Representatives: BRAUTIGAM of Falmouth, Speaker CUMMINGS of Portland, MILLER of Somerville, PINGREE of North Haven, Senators: BRANNIGAN of Cumberland, MITCHELL of Kennebec, SULLIVAN of York.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative PERRY of Calais, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Improve Deer Management and Hunting"

(H.P. 337) (L.D. 421)

Sponsored by Representative HANLEY of Gardiner.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: BERRY of Bowdoinham, HOGAN of Old Orchard Beach, LUNDEEN of Mars Hill, MAZUREK of Rockland, TREAT of Farmingdale, VAUGHAN of Durham, WATSON of Bath, WEDDELL of Frankfort.

Bill "An Act To Restrict Use of Trails Designed for All-terrain Vehicles"

(H.P. 354) (L.D. 455)

Sponsored by Representative JACKSON of Allagash.

Cosponsored by Senator PERRY of Penobscot and Representative: PATRICK of Rumford, Senators: BRYANT of Oxford, MARTIN of Aroostook.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Concerning Insurance for Churches and Nonprofit Organizations"

(H.P. 304) (L.D. 388)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: GERZOFKY of Brunswick, JOY of Crystal, KOFFMAN of Bar Harbor, MacDONALD of Boothbay, McKANE of Newcastle, PINGREE of North Haven, RICHARDSON of Warren, Senator: STRIMLING of Cumberland.

Bill "An Act To Enhance Consumer Awareness of Insurance Sales Activity"

(H.P. 331) (L.D. 415)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator SULLIVAN of York.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices"

(H.P. 332) (L.D. 416)

Sponsored by Representative TREAT of Farmingdale.

Cosponsored by Senator SCHNEIDER of Penobscot and Representative: CANAVAN of Waterville.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

(H.P. 335) (L.D. 419)

Sponsored by Representative VALENTINO of Saco.

Cosponsored by Representatives: BRAUTIGAM of Falmouth, CONOVER of Oakland, McKANE of Newcastle, MILLS of Farmington, PERRY of Calais, RICHARDSON of Warren, VAUGHAN of Durham, Senator: MARRACHÉ of Kennebec.

Bill "An Act To Protect Holders of Small Bank Accounts"
(H.P. 355) (L.D. 456)
Sponsored by Representative HINCK of Portland.
Cosponsored by Senator MARRACHÉ of Kennebec and
Representatives: ANNIS of Dover-Foxcroft, BRAUTIGAM of
Falmouth, CONNOR of Kennebunk, CONOVER of Oakland,
FITTS of Pittsfield, MARLEY of Portland, TREAT of Farmingdale,
WEDDELL of Frankfort.

JUDICIARY

Bill "An Act To Allow the District Court To Enter Parental
Rights and Responsibilities Orders in Child Protection
Proceedings"

(H.P. 305) (L.D. 389)

Sponsored by Representative SIMPSON of Auburn.
Cosponsored by Senator MILLS of Somerset.
Submitted by the Department of Health and Human Services
pursuant to Joint Rule 204.

Bill "An Act To Allow the District Court To Adjudicate
Parentage in Child Protective Custody Cases"

(H.P. 306) (L.D. 390)

Sponsored by Representative SIMPSON of Auburn.
Cosponsored by Senator MILLS of Somerset.
Submitted by the Department of Health and Human Services
pursuant to Joint Rule 204.

Resolve, To Study Adoption Laws and Practices
(EMERGENCY)

(H.P. 307) (L.D. 391)

Sponsored by Representative SIMPSON of Auburn.
Cosponsored by Senator HASTINGS of Oxford and
Representatives: BERUBE of Lisbon, BRYANT of Windham,
DILL of Cape Elizabeth, FAIRCLOTH of Bangor, HOLMAN of
Fayette, MILLS of Farmington, WATSON of Bath, Senator:
NUTTING of Androscoggin.

Bill "An Act To Limit Liability for the Performance of
Community Service"

(H.P. 313) (L.D. 397)

Sponsored by Representative CLEARY of Houlton.
Cosponsored by Senator COURTNEY of York and
Representatives: EATON of Sullivan, FAIRCLOTH of Bangor,
MacDONALD of Boothbay, PENDLETON of Scarborough,
SAMSON of Auburn, SCHATZ of Blue Hill, SILSBY of Augusta,
SIROIS of Turner.

Bill "An Act To Improve Access to HIV Testing in Health Care
Settings"

(H.P. 345) (L.D. 429)

Sponsored by Representative MILLER of Somerville.
Cosponsored by Representatives: CAIN of Orono, MILLS of
Farmington, WALKER of Lincolnville, Senators: BARTLETT of
Cumberland, DAMON of Hancock, MARRACHÉ of Kennebec,
STRIMLING of Cumberland.

Committee on **JUDICIARY** suggested.

On motion of Representative DILL of Cape Elizabeth, the Bill
was **REFERRED** to the Committee on **HEALTH AND HUMAN
SERVICES**, ordered printed and sent for concurrence.

LABOR

Bill "An Act To Establish Penalties for Violation of the
Severance Pay Law"

(H.P. 308) (L.D. 392)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator DAMON of Hancock and
Representatives: BARSTOW of Gorham, HARLOW of Portland,
KOFFMAN of Bar Harbor, MIRAMANT of Camden, RAND of
Portland, Senator: BRYANT of Oxford.
Submitted by the Department of Labor pursuant to Joint Rule
204.

Bill "An Act To Clarify the Application of Prevailing Wage
Requirements"

(H.P. 328) (L.D. 412)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: BURNS of Berwick, DRISCOLL of Westbrook,
TUTTLE of Sanford.

Bill "An Act To Require Nonprofit Employers To Disclose All
Benefits Available, Including Unemployment Insurance, to
Employees and Prospective Employees"

(H.P. 356) (L.D. 457)

Sponsored by Representative WEBSTER of Freeport.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: BURNS of Berwick, CRESSEY of Cornish,
TUTTLE of Sanford, Senator: SULLIVAN of York.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Provide Additional Funding for the Maine
Clean Election Act"

(H.P. 312) (L.D. 396)

Sponsored by Representative ROBINSON of Raymond.
Cosponsored by Senator PLOWMAN of Penobscot and
Representatives: FITTS of Pittsfield, JOY of Crystal, MILLETT of
Waterford, MOORE of Standish, PLUMMER of Windham,
RECTOR of Thomaston, WALKER of Lincolnville, WEAVER of
York.

Bill "An Act To Prevent Persons Convicted of Child
Molestation from Being Buried in a Maine Veterans' Cemetery"

(H.P. 357) (L.D. 458)

Sponsored by Representative PATRICK of Rumford.
Cosponsored by Senator BRYANT of Oxford and
Representatives: CARTER of Bethel, CHASE of Wells, GOULD
of South Berwick, MILLS of Farmington, NASS of Acton, TARDY
of Newport.

MARINE RESOURCES

Bill "An Act To Further Protect Water Quality in Coastal
Waters"

(H.P. 300) (L.D. 384)

Sponsored by Representative PERCY of Phippsburg.
Cosponsored by Senator DAMON of Hancock and
Representatives: EATON of Sullivan, McDONOUGH of
Scarborough, PINGREE of North Haven, WEBSTER of Freeport,
Senator: DOW of Lincoln.

Bill "An Act To Encourage Municipalities To Abate Coastal
Pollution"

(H.P. 319) (L.D. 403)

Sponsored by Representative GERZOFISKY of Brunswick.
Cosponsored by Representative WEBSTER of Freeport, Senator
DAMON of Hancock and Representatives: ADAMS of Portland,
HILL of York, MacDONALD of Boothbay, PERCY of Phippsburg,
PINGREE of North Haven, PRIEST of Brunswick, RINES of
Wiscasset, WATSON of Bath.

NATURAL RESOURCES

Bill "An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources"

(H.P. 315) (L.D. 399)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Representatives: BLISS of South Portland, FAIRCLOTH of Bangor.

Committee on **NATURAL RESOURCES** suggested.

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

STATE AND LOCAL GOVERNMENT

Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

(H.P. 346) (L.D. 430)

Sponsored by Representative BARSTOW of Gorham.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BEAUDETTE of Biddeford, BLANCHARD of Old Town, CLARK of Millinocket, CROSTHWAITE of Ellsworth, HOGAN of Old Orchard Beach, JACKSON of Allagash, JOY of Crystal, PATRICK of Rumford.

TAXATION

Bill "An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care"

(H.P. 310) (L.D. 394)

Sponsored by Representative CONOVER of Oakland.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BARSTOW of Gorham, CAIN of Orono, MAKAS of Lewiston, PERCY of Phippsburg, SILSBY of Augusta, TRINWARD of Waterville, Senators: DAMON of Hancock, MITCHELL of Kennebec.

Bill "An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps"

(H.P. 311) (L.D. 395)

Sponsored by Representative HOLMAN of Fayette.

Cosponsored by Senator NASS of York and Representatives: FLOOD of Winthrop, MILLETT of Waterford, ROBINSON of Raymond, TARDY of Newport, Senator: MILLS of Somerset.

Bill "An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate"

(H.P. 318) (L.D. 402)

Sponsored by Representative CRESSEY of Cornish.

Bill "An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System"

(H.P. 338) (L.D. 422)

Sponsored by Representative MAZUREK of Rockland.

Cosponsored by Senator DAMON of Hancock and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, FINCH of Fairfield, HANLEY of Gardiner, HOGAN of Old Orchard Beach, MARLEY of Portland, NORTON of Bangor, PATRICK of Rumford.

Bill "An Act To Reduce the Excise Tax on New Vehicles"

(H.P. 358) (L.D. 459)

Sponsored by Representative JACKSON of Allagash.

Cosponsored by Senator PERRY of Penobscot and Senators: BRYANT of Oxford, COURTNEY of York, MARTIN of Aroostook, STRIMLING of Cumberland.

Bill "An Act To Amend the Municipal Excise Tax Reimbursement Fund Law"

(H.P. 359) (L.D. 460)

Sponsored by Representative FISHER of Brewer.

Cosponsored by Representatives: BROWNE of Vassalboro, GERZOFKY of Brunswick, MARLEY of Portland.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act Regarding the Accounting Procedure for Certain State Programs"

(H.P. 341) (L.D. 425)

Sponsored by Representative HOLMAN of Fayette.

Cosponsored by Representatives: CROSTHWAITE of Ellsworth, FLOOD of Winthrop, MILLETT of Waterford, ROBINSON of Raymond, TARDY of Newport, Senators: MILLS of Somerset, NASS of York.

Committee on **TAXATION** suggested.

On motion of Representative PIOTTI of Unity, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act To Protect the Integrity of Funeral Processions"

(H.P. 317) (L.D. 401)

Sponsored by Representative NASS of Acton.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: BEAULIEU of Auburn, GOULD of South Berwick, JOY of Crystal, MILLS of Farmington, PATRICK of Rumford, Senators: COURTNEY of York, GOOLEY of Franklin, ROSEN of Hancock.

Bill "An Act To Allow the Use of Flashing Red Lights by State Emergency Management Agency Directors"

(H.P. 323) (L.D. 407)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator DOW of Lincoln and Representatives: GREELEY of Levant, MARLEY of Portland.

Bill "An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges"

(H.P. 333) (L.D. 417)

Sponsored by Representative MILLETT of Waterford.

Cosponsored by Senator TURNER of Cumberland and Representatives: BROWNE of Vassalboro, ROBINSON of Raymond.

UTILITIES AND ENERGY

Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports

(H.P. 309) (L.D. 393)

Sponsored by Representative JACOBSEN of Waterboro.

Cosponsored by Senator COURTNEY of York and Representatives: AUSTIN of Gray, FLETCHER of Winslow, McLEOD of Lee.

Bill "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities"

(H.P. 314) (L.D. 398)

Sponsored by Representative VALENTINO of Saco.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BLANCHARD of Old Town, BLISS of South Portland, HOGAN of Old Orchard Beach, MAZUREK of Rockland, PILON of Saco, Senator: HOBBS of York.

Bill "An Act To Amend Maine's Electric Utility Restructuring Laws"

(H.P. 329) (L.D. 413)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator DOW of Lincoln and Representatives: FLETCHER of Winslow, MARLEY of Portland.

Bill "An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission"

(H.P. 336) (L.D. 420)

Sponsored by Representative GERZOFKY of Brunswick.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, BLANCHETTE of Bangor, BLISS of South Portland, CANAVAN of Waterville, FLETCHER of Winslow, KOFFMAN of Bar Harbor, RAND of Portland, RINES of Wiscasset.

Resolve, To Study Alternative Fuel Use by Schools and Public Buildings

(H.P. 325) (L.D. 409)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: CARTER of Bethel, GIFFORD of Lincoln, MILLS of Farmington, PATRICK of Rumford, THOMAS of Ripley, TIBBETTS of Columbia, Senators: GOOLEY of Franklin, MILLS of Somerset.

Committee on **UTILITIES AND ENERGY** suggested.

On motion of Representative BLISS of South Portland, the Resolve was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

Pursuant to Resolve Human Trafficking Task Force

Representative SIMPSON for the **Human Trafficking Task Force** pursuant to Resolve 2005, chapter 200 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force"

(H.P. 360) (L.D. 461)

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

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

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Harland O. White, of Scarborough, a decorated World War II veteran and retired Maine State Police lieutenant. Mr. White enlisted in the U.S. Army in 1941 and served in the 532nd Anti-aircraft Artillery Unit in North Africa and central Italy as air protection for the front line field artillery cannons. His unit then

converted to the 473rd Infantry Regiment and, because he was an expert rifleman, Mr. White was an infantry sniper against the Germans. He was awarded the Purple Heart for being wounded in action, and 43 years later he was awarded the Bronze Star for meritorious achievement in ground combat against the enemy during World War II. Mr. White was a member of the Maine State Police and retired after 20 years of service, with the rank of lieutenant. He was Past Commander and a lifetime member of the Libby-Mitchell American Legion Post and a member of the Winthrop Masonic Lodge, the Valley of Portland Scottish Rites and the Kora Shrine Temple in Lewiston. Mr. White will be sadly missed and long remembered by his family, his friends and all who knew him;

(HLS 74)

Presented by Representative McDONOUGH of Scarborough.

Cosponsored by Representative PENDLETON of Scarborough, Senator BARTLETT of Cumberland, Representative TIBBETTS of Columbia, Senator BROMLEY of Cumberland.

On **OBJECTION** of Representative MCDONOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It gives me a great deal of pleasure to speak about Brother White this morning. Harland White was a member of the Maine State Police for 20 years. He retired as a Lieutenant. He served in the Scarborough Barracks with distinction.

And a good friend of ours in Scarborough, former State Police Captain, Hollis Dixon, who later became Chief of Police in Scarborough, used to work for Lieutenant White in the Scarborough Barracks. And Hollis related to me that he was a trooper's trooper. He was a person that set very high standards. He was demanding of his troopers that worked for him, but he was a fair and just Commander. It's one of those items that a member of the State Police that works for us here in the State of Maine that has done an exemplary job should be remembered. And that's the purpose of having this today. So I thank you very much Mr. Speaker and members of the House for listening to me. Thank you.

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

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Maintain, Improve and Develop Trails"

(S.P. 133) (L.D. 432)

Bill "An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program"

(S.P. 141) (L.D. 440)

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 To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local Authorities"

(S.P. 142) (L.D. 441)

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

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness"

(S.P. 147) (L.D. 446)

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 Improve Equity in School Funding"

(S.P. 149) (L.D. 448)

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 Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund"

(S.P. 137) (L.D. 436)

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 Reform the Dirigo Health Program"

(S.P. 140) (L.D. 439)

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 Amend the Bond Requirements for Estates of Decedents"

(S.P. 134) (L.D. 433)

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 Landlord-tenant Laws"

(S.P. 130) (L.D. 383)

Bill "An Act To Allow a Voter To Preserve the Confidentiality of That Voter's Presence at the Polls"

(S.P. 135) (L.D. 434)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act To Address the Reporting of Oil Spills"

(S.P. 138) (L.D. 437)

Bill "An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment"

(S.P. 144) (L.D. 443)

Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System

(S.P. 145) (L.D. 444)

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

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act To Correct an Inconsistency in Unemployment Insurance Tax Law"

(S.P. 129) (L.D. 382)

Committee on **TAXATION** suggested and ordered printed.

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

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

Resolve, To Improve Driver Education Programs

(S.P. 139) (L.D. 438)

Bill "An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education"

(S.P. 143) (L.D. 442)

Resolve, To Improve the Registration Process for Commercial Motor Vehicles

(S.P. 148) (L.D. 447)

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

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

Bill "An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric Power Bills"

(S.P. 136) (L.D. 435)

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.

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 Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund"

(S.P. 146) (L.D. 445)

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

Came from the Senate, Report **READ** and **ACCEPTED** and

the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The following Joint Resolution: (S.P. 128)

JOINT RESOLUTION RECOGNIZING THE 80TH ANNIVERSARY OF WOMEN MEMBERS SERVING IN BOTH CHAMBERS OF THE LEGISLATURE

WHEREAS, January 2007 is the 80th anniversary of a pivotal point in Maine history, when six women first came to serve in the full Maine State Legislature, seven years after the ratification of the 19th Amendment to the United States Constitution, which granted women the right to vote; and

WHEREAS, in January of 1927, at the opening of the 83rd Legislature, two women, Dora Pinkham and Katherine Allen, who had both previously served a single term at different times in the Maine House of Representatives, began their terms as Senators in the Maine State Senate; and

WHEREAS, also for the first time, there were four other women beginning their terms in the Maine House of Representatives in 1927: Mabelle Chaney, Maude Clark Gay, Blanche Folsom and Gail Laughlin; and

WHEREAS, the swearing-in of these six women marked the first time women were serving in both chambers of the Maine State Legislature; and

WHEREAS, Mabelle Chaney was the first woman Democrat in the Legislature and Gail Laughlin was the first woman lawyer, and all six of these women represented a diversity of geographic locations, occupations and ages; and

WHEREAS, these six women broke barriers and established credibility and respect among their male colleagues, and they served as role models for other women to aspire to political positions; and

WHEREAS, these six women began a long and honorable history of political participation, accomplishment and leadership in the Maine State Legislature that is carried forth to this day, where Maine women continue to play important roles in our State; and

WHEREAS, on the 80th anniversary of these six women first serving together, we wish to recognize and honor these pioneer women for their individual endeavors as well as for the paths they blazed for the women who have followed them; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the One Hundred and Twenty-third Legislature, now assembled on behalf of the people we represent, take this opportunity to recognize the first six women to have served together in the Maine State Legislature as pioneers and honor them for their roles in the history of Maine:

Katherine Allen, Republican from Hampden, Penobscot County, who was a farmer;

Dora Pinkham, Republican from Fort Kent, Aroostook County, who was a school teacher and bookkeeper; Mabelle Chaney, Democrat from Lisbon, Androscoggin County, who was co-owner of a coal business; Maude Clark Gay, Republican from Waldoboro, Lincoln County, who was an author; Blanche Folsom, Republican from Norridgewock, Somerset County, who was a school teacher; and Gail Laughlin, Republican from Portland, Cumberland County, who was a lawyer.

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

Bill "An Act To Fund a Joint Appointment for a Groundfish Ecologist"

(S.P. 121) (L.D. 377)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

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

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Beth Edmonds, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator MITCHELL from Kennebec, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was **READ** and **PASSED**.

The Chair will appoint the following:

The Sen. from York, Senator Hobbins

The Sen. from Androscoggin, Senator Nutting

The Sen. from Oxford, Senator Hastings

The Rep. from Auburn, Rep. Simpson

The Rep. from Farmington, Rep. Mills

The Rep. from Windham, Rep. Bryant

The Rep. from Bangor, Rep. Dunn

The Rep. from Biddeford, Rep. Casavant

The Rep. from Cape Elizabeth, Rep. Dill

The Rep. from Fayette, Rep. Holman

The Rep. from Acton, Rep. Nass

The Rep. from Lisbon, Rep. Berube

The Rep. from Waterboro, Rep. Jacobsen

The Rep. from the Penobscot Nation, Rep. Loring

Subsequently, Senator HOBBS from York, for the Committee reported that the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

The Chair is pleased to welcome to the Convention the Honorable members of the Judiciary. The Chair is also pleased to recognize the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court accompanied by Governor John E. Baldacci.

The Chair is pleased to recognize the Justices of the Maine Supreme Judicial Court, Honorable Donald G. Alexander, Honorable Susan W. Calkins, Honorable Robert W. Clifford,

Honorable Howard H. Dana, Jr., Honorable Warren M. Silver, Honorable Jon D. Levy, Honorable Thomas E. Humphrey, Chief Justice of the Maine Superior Court, Honorable John C. Nivison, Chief Judge of the Maine District Court, and Honorable Ann Murray, Deputy Chief Judge of the Maine District Court.

The Chair is pleased to request the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice SAUFLEY: Thank you President Edmonds and good morning to everyone. Governor Baldacci, President Edmonds, Speaker Cummings, members of the 123rd Maine Legislature. Members of the Maine Courts including, I want to say this year, my good friend and mentor, Howard Dana, who is retiring and who is with us for the last time this year. I also want to say hello to my colleagues from the Probate courts, who are with us in such numbers today and Tribal Courts, and, as always, to my family.

Before I tell you what an honor it is to be here this morning, I have to mention one fact that I learned on the way in the room this morning. I understand, I have this only on information and belief that today is the Governor's birthday. Now he may have thought he was going to keep that quiet for a little bit of time. The Governor now, I believe, is officially exactly as old as I am. So I don't have to put up with "the younger Governor" any longer and this is a very, very auspicious occasion for me.

Let me just tell you that it is every year an honor and a privilege to have the opportunity to appear before you to present an update on the State of Maine's Judiciary. My message to you today is twofold. First, the State of the Judiciary in Maine has been steadily improving over the last several years and 2006 brought substantial improvements. Second, unfortunately, all of these improvements will be overshadowed if we fail to make the courthouses safe. Because the safety of the men, women, and children seeking justice in our court buildings is so critical, I begin with that point today. And here are the basics.

We have forty court facilities throughout the State. Each of those facilities has the equipment, including metal detectors and some x-ray machines, to screen for weapons at courthouse entrances. We have sufficient security staff to provide marshals in active courtrooms. However, we have no security for hallways and entrances, and we have no staff dedicated to screening for weapons at the front doors. Without entry screening, we cannot be sure that people aren't bringing weapons into courthouses, into the volatile, high conflict, and dangerously close contact settings that exist in courtrooms. We are among the few states left in the nation that fail to provide full weapons screening at our courthouse doors.

Mike Coty, our Director of State Judicial Marshals, has done everything in his power to increase the presence of entry screening. Whenever a court session is canceled, or a case concludes early, or when we can fill in with available marshals or temporary help, entry screening is undertaken. However, of the total number of court days in 2006—8,820 days—had entry screening on only 420 days, representing just under 5% of the time. The availability of entry screening is sporadic, unpredictable, and woefully inadequate. With just that limited capacity to do entry screening, over the course of 2006, 27 guns or bullet clips were discovered, more than 5,000 knives were stopped at the door, 11 people, and this statistic surprises me every year, were found holding illegal drugs or drug paraphernalia. Two-hundred fifty-eight people turned around rather than go through the entry screening. If that many weapons were stopped at the door during the very modest number of days

that entry screening was run last year, imagine what is going into our courthouses every day.

The incidents of violence breaking out in the courtroom is increasing. In 2006, the Marshal's Office recorded 32 separate incidents three of outbursts or violence, four attempted escapes and 29 weapons related incidents. In Cumberland County, the District Attorney reports that a defendant in a domestic violence case attacked the domestic violence investigator. Fortunately the defendant did not have a weapon, because on that day, no entry screening was available. The investigator will recover from her concussion, but it is only a matter of time before a tragedy of much more horrible dimensions occurs. I have heard from members of the public who have to go into our District Court in Dover-Foxcroft regarding their fears at being in the very close quarters of that tense courtroom, when no one has been screened for weapons. A new element of concern has cropped up as the State's Probate Courts are increasingly called on to hold contentious, sometimes volatile hearings related to child custody.

The tension that now exists in our courtrooms is reflected as well in violence outside the courthouses. Attorney General Steven Rowe reports that, for the years 1996 through 2006, 219 people were murdered in Maine. One-hundred five of those murders, fully 48%, were, by the Attorney General's estimate, related to domestic violence. Now, imagine having to sit in a courtroom with a person who has threatened to kill you and wondering whether you will survive the very process that was designed to help protect you. Ultimately, in the face of competing demands for scarce resources, government has certain basic responsibilities. One of those responsibilities must be never to place our citizens in harm's way.

So let me get directly to the question many of you have asked me: How much will safety cost? I give you today three proposals. Entry screening in Maine's 40 court facilities could be completed today at the 100% level with total annual funding of \$3.7 million. Incremental improvement of 50% coverage could be made at an annual cost of approximately \$1.8 million. Even that would be a huge step forward. Finally, we could assure coverage between 30% and 40% of the time, and at a minimum during the high conflict cases, for just over \$1 million a year. You have already taken steps to improve safety through criminalizing the act of bringing a gun into a courthouse, and finding small amounts of funds to allow us to hire temporary staff to help with security. I implore you. Help us take the next step to make our courthouses safe.

Now, let me turn to the improvements that we have already achieved within the Judicial Branch. With the bi-partisan support of the Legislature, the guidance and support of the Judiciary Committee, and its Chairs, Senator Hobbins and Representative Simpson, with the support of Governor Baldacci, and with the extraordinary work of the men and women in the Judicial Branch, we have come a long way. If we continue this progress, we will be able to say to the people of this great State, we listened and we acted. To give you context regarding the progress made in the last several years, it is critical to understand the road map we've been following.

In 2002, we established case type priorities involving personal and domestic violence, children and families' needs, and serious crimes. In 2003, our Judicial Resource Team provided a blueprint for reorganizing resources and improving case scheduling throughout the state. By fall of 2004, the District Court had completely reorganized its scheduling in order to assure that priority cases received first resources and to eliminate wasteful gaps in timing. Through 2005 and 2006, we

implemented a system of objective statistical analysis that is beginning to provide us a more complete understanding of delays in the system. And by April of 2006, we had implemented a regionalized scheduling system.

At the same time that we have been working toward improved case processing, we undertook a review of our budget, our use of facilities, and the coordination of Judicial Branch resources with other branches of government. We launched an overdue fines collections program, identified facilities that were no longer cost effective, created a system for consolidating clerks' offices, and began work with the counties and Department of Corrections regarding coordinated expenses. These efforts have substantially improved the ability of our trial courts to reach cases in a timely and effective manner, and have improved our use of scarce dollars. Our efforts to improve case management have proved both encouraging and successful.

Much of the improvement is a direct result of the improved coordination of resources between and among judges. As our District and Superior Court judges have begun to coordinate their dockets and work together to address backlogs, the use of judge time has substantially improved. Unlike most states where administrators take the lead in case scheduling, in Maine, our judges have had to step up to the plate to undertake these administrative responsibilities, without relief from their everyday work. Later this spring, you will hear from the independent Judicial Compensation Commission with recommendations regarding pay for our judges. I hope you will consider their proposals carefully.

Here are just a few specific improvements that have been accomplished. Our Trial Courts have achieved a dramatic improvement in the treatment of family matters. In 2001, judges were only able to complete family cases representing 47% of the cases filed in the same year, thus creating an ever-increasing backlog. By 2006, the courts were fully keeping up with the new filings in family matters, clearing cases at a rate of 100% level. And more importantly, the time in which family cases are reached for resolution has been cut almost in half.

At the end of 2001, family matter cases had been pending an average of 323 days. A year is a very long time in the life of a child. By 2006, that number had been cut to 189 days. The judges are reaching and resolving family matter cases on average, in just over six months. Also, between 2002 and 2006, the average age of pending juvenile cases has been reduced from nearly seven months to just over four months. Although we have much to do to accomplish similar improvements in other dockets, especially our strained criminal dockets, these improvements in family case management tell us that, when judges work together and we focus our resources efficiently, great progress can be made.

We have also seen significant improvement in fiscal areas. The total general fund allocation to the Judicial Branch in 2006 was \$55 million, representing 1.9% of the total State General Fund. On the other side of the ledger, the total revenues collected by the Maine Judicial Branch from fees and fines hit an all time high of \$42 million. This is the highest amount ever collected, and represents \$3.7 million more than was collected in 2005, a nearly 10% increase. Much of that increase represents payment of long overdue fines.

In 2006, we undertook the first full year of the improved overdue fine collections program. Clerk's offices sent out more than 39,000 letters to people who had ignored their responsibility to pay a fine and had not come to court to explain that failure. That's 39,000 people who failed to live up to the sentence that had been imposed. License suspensions and bench warrants followed if the defendant failed to come to court or pay the fine. I

am pleased to report that the defendants have in fact responded. Two point five million dollars in overdue fines were collected in 2006 as a direct result of this improved system, and the increased collections continue today.

Ultimately, the net cost to State Government for a complete system of justice in 2006 was only \$13 million. For comparison, you should understand that we continue to fall way behind our frugal neighbor New Hampshire, where a General Fund total of more than \$76 million was allocated last year for the same judicial services that we provided with a budget of \$55 million. And we have taken every step we can to make our dollars go as far as possible. We have already closed two courthouses. We have consolidated ten clerks' offices. We will propose further reductions in the number of court facilities in our long-term facilities plan this session. This follows up on the funds you allocated last session for this planning.

In that plan, we will propose three more courthouse consolidations, eliminating a total of four buildings that would have to have, for example, separate entry screeners, separate video equipment, and separate internet lines. The proposal will address buildings in Machias, a court facility that already contains the District and Superior Courts; Houlton, where the District Court has recently been consolidated into the Superior Court building, constituting the third courthouse closing in three years; Dover-Foxcroft, where we will propose a small new consolidated building; and Augusta, where we will propose consolidating three separate court facilities into one building.

We have also worked with other branches and entities of government to conserve resources. Maine taxpayers do not care whether it is state government, county government, or municipal government that is reaching into their pockets. They expect all of us to work together to reduce the number of times that we have to engage in that reach. We have worked closely with the administrators of county government, and with the Executive Branch agencies to identify those areas where Judicial Branch practices and procedures may create unnecessary costs in other areas of government. We have worked with the Corrections Alternative Advisory Committee to improve pre-trial processing with the goal of reducing jail costs and maximizing resources for court-appointed counsel.

Several years ago, we learned from conversations with county officials that some of their greatest expenses were connected to transporting prisoners to and from courthouses. We initiated a video arraignment project to reduce transportation costs and substantially improve security. We already have 22 courthouses equipped with video-conferencing capacity. By the end of next month, 37 of our 40 locations will have the ability to conduct video arraignments. Other improvements came in the area of access to justice. Expanding on the success of our Law Court session at the Caribou Schools, arranged through the efforts of Senator Martin, we asked you to let us know whether it might be helpful in other schools. Senator Rotundo and Representative Eberle spoke right up for their districts. In October of 2006, we sat in the Lewiston School facilities and at my alma mater, in South Portland. These events were among the most rewarding for us, of the entire year. We again invite those of you who would like to undertake the effort of coordinating with your school system, to let us know where we might travel in October of 2007.

In another area related to Access to Justice, responding to the growing immigrant population in Maine, the Court this year issued guidelines for the determination of eligibility for court-appointed interpretation and translation services. Court clerks and judges received intensive training about the new procedures

and how to best assist those needing services. Also, 2006 brought encouraging progress in our ability to provide legal services to poor Maine citizens who cannot afford their own lawyers. In matters involving housing, child and family problems, and services to the elderly and to our growing immigrant population, legislation you approved last session made more than \$300,000 in additional funds available.

Also, in 2006, the private fundraising campaign known as the Campaign for Justice raised more than \$380,000 for legal services for Maine's poor through the generosity of more than 1,500 lawyers and judges. We should take great pride in the fact that Maine's lawyers are second in the nation for their generosity in donating time and money to those in need. This is a remarkable achievement, but we must continue to find new ways to provide meaningful access to lawyers for Maine's poorer citizens.

No discussion of the improvements of 2006 would be complete without mentioning Maine's new Business and Consumer Docket which the Governor and the 122nd Legislature helped us create through bi-partisan efforts. With the addition of the four new judges that you have just confirmed, we will be able to bring the Business Docket to life within the next several months. I particularly want to thank Senator David Hastings and former Speaker of the House John Richardson for their time and efforts throughout the last several months as we have worked to design the new docket. And today, I am pleased to make the announcement that some of you have been waiting for—the names of the first two judges to sit on the Business and Consumer Docket. Those judges, who have had the substantial administrative experience necessary to create a new docket, and who command the respect of the bench, bar, and public are Chief Justice Tom Humphrey and Chief Judge John Nivison. Please join me in thanking them for their willingness to tackle this challenging project.

The progress that we have made through the last several years has occurred as a result of the joint efforts of all three branches of government. But we cannot stop here. You remember the old Will Rogers' comment, "Even if you are on the right track, if you don't keep moving, you'll still get run over." We must keep moving. Here are several areas where we have identified the need for further progress and have begun that work:

Magistrates. We must streamline and improve the Family Division process with the Magistrates. My thanks go out to Representative Tardy and Representative Mills for their assistance with the Task Force that will report back to us shortly.

Child Protection. We must continue to improve training and communication in child protection matters. Working again in a crossbranch efforts we are pleased that Senator Plowman and Representative Dunn have been willing to give us their time.

Guardians Ad Litem. We must improve our system of Guardians Ad Litem to assure that they have the training, screening, and institutional support so necessary to assuring that children receive the help of respected and competent individuals. Within the Judicial Branch we continue to work on improvements.

MEJIS. We must continue to upgrade our Information system. This system, created on an Oracle data base foundation by our own staff, and paid for over 10 years at a cost to the General Fund over that entire time of less than \$2 million, is one of the best bargains in government. If we are to avoid having to purchase an expensive, off the shelf product, as other states have done for their court systems, we must have the resources to upgrade and maintain the MEJIS system.

Problem-Solving Courts. We must find a way to ease the moratorium on new Problem-Solving Courts. Resource limitation caused us to freeze in place the few Domestic Violence courts;

the Adult, Juvenile, and Family Drug Treatment Courts; and the fledgling Mental Health/Co-occurring Disorder Court. We are hopeful that, without new dollars, the addition of the new judges that you have just confirmed will allow us to expand, modestly, the number of areas where problem-solving courts may be put into effect.

Now, a real indication of progress. As I have talked to you over the past several years, I might have mentioned the fact that Maine is last in the nation, 50th out of 50 states, for providing resources for its system of justice. I might have mentioned it early and often, I might have mentioned it more often than you would have liked to have heard it. But I can report to you today that with your help, the latest available national statistics indicate that we have moved into a tie with Iowa for 48th. It is progress. Obviously more is necessary, but it is progress. You can help us continue moving forward, by doing just two things.

First, visit the courthouses of this state. We have prepared for each of you a packet inviting you to visit the courts, setting out the court facilities in your district, and providing you with the names and contact numbers to arrange a visit. If you have already visited a courthouse, come see another one. The invitation is always open, during or after the legislative session. Come see what your constituents experience in our courts. Tell us what else we can be doing to make the Maine court system the best system of justice we can.

Second, help us find the money to make our courthouses safe. The time has come to stop talking, stop hoping for the best, and do the right thing. Maine citizens can be very proud of the work that has been done to improve the delivery of justice in this state. You can be proud of the work that you have done with us to create these improvements. There is much remaining to be done, but the progress is real, it is ongoing, and I thank each of you for the vital role that the Maine Legislature has played in assuring justice for the people of this great State. Thank you.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

On motion of Representative MCDONOUGH of Scarborough, the House adjourned at 11:53 a.m., until 10:00 a.m., Thursday, February 1, 2007 in honor and lasting tribute to Harland O. White, of Scarborough.