

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
19th Legislative Day
Thursday, March 15, 2007

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

Prayer by Honorable Philip A. Curtis, Madison.
National Anthem by Melanie Fengler, Scarborough.
Pledge of Allegiance.
Doctor of the day, M. Louisa Barnhart, M.D., China.
The Journal of Tuesday, March 13, 2007 was read and approved.

SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine"
(S.P. 411) (L.D. 1163)

Bill "An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles"
(S.P. 398) (L.D. 1210)

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 Permit a Local Option Sales Tax in Towns Adjacent to a National Park"
(S.P. 415) (L.D. 1167)

Committee on **TAXATION** suggested and ordered printed.
Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

Bill "An Act To Amend the Motor Vehicle Laws Concerning Work Licenses"
(S.P. 394) (L.D. 1206)

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

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.

Resolve, Directing the Treasurer of State To Convene a Study Commission To Develop Recommendations To Improve the Administration of the State-Municipal Revenue Sharing Program
(S.P. 471) (L.D. 1357)

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

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

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

Resolve, To Study the Distribution of Revenue Sharing

(S.P. 472) (L.D. 1358)

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

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

Pursuant to Joint Order

Joint Select Committee on Research, Economic Development and the Innovation Economy

Report of the **Joint Select Committee on Research, Economic Development and the Innovation Economy** pursuant to S.P. 847 (2006) asks leave to report that the accompanying Bill "An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy"
(S.P. 107) (L.D. 335)

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.

COMMUNICATIONS

The Following Communication: (H.C. 103)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 185 An Act To Prohibit Certain Uses of Monosodium Glutamate

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

Sincerely,
S/Sen. John M. Nutting
Senate Chair
S/Rep. Wendy Pieh
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 104)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 385 An Act To Require Stable Gasoline Pricing
We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Lynn Bromley
Senate Chair
S/Rep. Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 105)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 164 An Act To Require the Department of Inland Fisheries and Wildlife To Fin-clip All Stocked Fish

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

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 106)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 234 An Act To Amend the Laws Concerning the Assessment of Rates for Workers' Compensation

L.D. 278 Resolve, To Assess the Feasibility and Efficiency of Combining All Health Insurance Funds Supported by the State

L.D. 388 An Act Concerning Insurance for Churches and Nonprofit Organizations

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

Sincerely,
S/Sen. Nancy B. Sullivan
Senate Chair
S/Rep. John R. Brautigam
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 107)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 115 An Act To Recognize the Metis Eastern Tribal Indian Society of Maine

L.D. 581 An Act To Amend the Laws Pertaining to Improvident Transfers

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

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 108)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR**

March 8, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 105 An Act To Promote Hiring of Seasonal Workers

L.D. 619 An Act To Require All State Employees To Carry State Health Insurance

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

Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 109)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 8, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 510 An Act To Amend the Membership of the Advisory Council on Tax-deferred Arrangements

L.D. 622 Resolve, To Study the Need for and Placement of a Child Care Center in or near the State House Complex

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

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 110)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 8, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 113 An Act To Establish a Recreational Vehicle Veterans Registration Plate

L.D. 235 An Act To Allow a Person To Be Issued More than One Set of Disabled Veteran Registration Plates

L.D. 299 An Act To Aid Municipalities Concerning Plowing Efficiency

L.D. 381 An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered

L.D. 438 Resolve, To Improve Driver Education Programs

L.D. 442 An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education
L.D. 494 An Act To Repeal the Motor Vehicle Inspection Laws

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

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 480)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 8, 2007

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
123rd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:
Please be advised that Governor John E. Baldacci has nominated the following to the Land for Maine's Future Board:
Benjamin Emory of Salisbury Cove for appointment
Jeanne Matava-Mattson of Hallowell for appointment
Diane Doyle of Saco for appointment
Leon Gorman of Yarmouth for reappointment
Pursuant to Title 5 M.R.S.A. Section 6204, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY.**

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

The Following Communication: (S.C. 105)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

March 13, 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:

Richard S. Davies of Hallowell for appointment as the Public Advocate;

Vendean V. Vafiades of Hallowell for reappointment to the Public Utilities Commission.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 107)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

March 13, 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 nomination:

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Robert P. McAleer of Harpswell for appointment as the Director of the Maine Emergency Management Agency.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Representative FAIRCLOTH of Bangor assumed the Chair.
The House was called to order by the Speaker Pro Tem.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills, Resolves and Resolutions 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

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species

(H.P. 1016) (L.D. 1447)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: EDGECOMB of Caribou, HOLMAN of Fayette, McFADDEN of Dennysville, SAVIELLO of Wilton, Senator: RAYE of Washington.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine"

(H.P. 985) (L.D. 1402)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator STRIMLING of Cumberland, Senator DAMON of Hancock and Representatives: BEAUDETTE of Biddeford, CONNOR of Kennebec, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, PINGREE of North Haven, SMITH of Monmouth, Senator: COURTNEY of York.

Bill "An Act Requiring Long-range Budget Planning"

(H.P. 998) (L.D. 1424)

Sponsored by Representative WOODBURY of Yarmouth.

Bill "An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities"

(H.P. 1017) (L.D. 1448)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: Speaker CUMMINGS of Portland, EMERY of Cutler, MAKAS of Lewiston, MILLETT of Waterford, PIOTTI of Unity, TARDY of Newport, Senator: RAYE of Washington.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"

(H.P. 986) (L.D. 1403)

Sponsored by Representative McKANE of Newcastle.

Resolve, Directing the Establishment of a Building Contractor's License and Education Requirements for Code Enforcement Officers

(H.P. 987) (L.D. 1404)

Sponsored by Representative WEDDELL of Frankfort. (BY REQUEST)

Bill "An Act To Prohibit Inappropriate Software Advertising of Prescription Drugs"

(H.P. 1009) (L.D. 1440)

Sponsored by Representative TREAT of Farmingdale.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BRAUTIGAM of Falmouth, CAMPBELL of Newfield, CANAVAN of Waterville, CONOVER of Oakland, HANLEY of Gardiner, RAND of Portland, WOODBURY of Yarmouth.

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

On motion of Representative CLEARY of Houlton, **TABLED** pending **REFERENCE** and later today assigned.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs"

(H.P. 988) (L.D. 1405)

Sponsored by Representative CRAVEN of Lewiston.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: CAMPBELL of Newfield, CONNOR of Kennebec, GROSE of Woolwich, HASKELL of Portland, HAYES of Buckfield, MILLER of Somerville, WAGNER of Lewiston, WALCOTT of Lewiston.

Bill "An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception"

(H.P. 999) (L.D. 1425)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator DOW of Lincoln.

Bill "An Act To Amend the Auto Impoundment and Forfeiture Laws"

(H.P. 994) (L.D. 1411)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator SAVAGE of Knox and Representatives: CROCKETT of Augusta, DUCHESNE of Hudson, HANLEY of

Gardiner, SAVIELLO of Wilton, THIBODEAU of Winterport, TREAT of Farmingdale, WEDDELL of Frankfort.

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

On motion of Representative GERZOFKY of Brunswick, **TABLED** pending **REFERENCE** and later today assigned.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Enhance the Prekindergarten Experience for Maine Children"

(H.P. 1000) (L.D. 1426)

Sponsored by Representative CAIN of Orono.
Cosponsored by Senator COURTNEY of York and Representatives: BARSTOW of Gorham, CROSTHWAITE of Ellsworth, NORTON of Bangor, PENDLETON of Scarborough, PINGREE of North Haven, Senator: MILLS of Somerset.

Resolve, To Evaluate Parenting Education and To Develop Parenting Resources in Maine High Schools

(H.P. 1001) (L.D. 1427)

Sponsored by Representative WOODBURY of Yarmouth.
Cosponsored by Senator BOWMAN of York and Representatives: Speaker CUMMINGS of Portland, HARLOW of Portland, HINCK of Portland, MAKAS of Lewiston, NASS of Acton, NORTON of Bangor, STRANG BURGESS of Cumberland.

Bill "An Act To Increase Quality Physical Education for Elementary School Students"

(H.P. 1011) (L.D. 1442)

Sponsored by Representative MILLER of Somerville.
Cosponsored by Representative WOODBURY of Yarmouth, Senator MILLS of Somerset, Senator MARRACHÉ of Kennebec and Representatives: CAIN of Orono, CRAVEN of Lewiston, GOULD of South Berwick, NORTON of Bangor, PRESCOTT of Topsham, STRANG BURGESS of Cumberland, TREAT of Farmingdale, Senator: MITCHELL of Kennebec.

HEALTH AND HUMAN SERVICES

Bill "An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents"

(H.P. 1015) (L.D. 1446)

Sponsored by Representative BURNS of Berwick.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: CANAVAN of Waterville, CARTER of Bethel, FARRINGTON of Gorham, HARLOW of Portland, HAYES of Buckfield, VALENTINO of Saco, WALCOTT of Lewiston, WEAVER of York.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation"

(H.P. 1002) (L.D. 1428)

Sponsored by Representative BRAUTIGAM of Falmouth.
Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BARSTOW of Gorham, JACKSON of Allagash, KOFFMAN of Bar Harbor, MARLEY of Portland, PINGREE of North Haven, RICHARDSON of Warren, SAVAGE of Falmouth, WATSON of Bath.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"

(H.P. 1003) (L.D. 1429)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Senator SULLIVAN of York and Representatives: BRAUTIGAM of Falmouth, CANAVAN of Waterville, CONOVER of Oakland, CROCKETT of Augusta, RICHARDSON of Warren, SAVAGE of Falmouth, Senators: MARRACHÉ of Kennebec, SNOWE-MELLO of Androscoggin.

LABOR

Bill "An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers"

(H.P. 989) (L.D. 1406)

Sponsored by Representative PINGREE of North Haven.

Resolve, To Address Issues Concerning the Employment of Senior Citizens

(H.P. 990) (L.D. 1407)

Sponsored by Representative CAMPBELL of Newfield.

Cosponsored by Senator RAYE of Washington and Representatives: BEAUDOIN of Biddeford, FAIRCLOTH of Bangor, FINLEY of Skowhegan, GROSE of Woolwich, LEWIN of Eliot, PERRY of Calais, WALKER of Lincolnville, Senator: SULLIVAN of York.

Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

(H.P. 1014) (L.D. 1445)

Sponsored by Representative BURNS of Berwick.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: CANAVAN of Waterville, CARTER of Bethel, FARRINGTON of Gorham, HARLOW of Portland, HAYES of Buckfield, HINCK of Portland, WALCOTT of Lewiston, WEAVER of York.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Concerning Harness Racing Association Funding"

(H.P. 991) (L.D. 1408)

Sponsored by Representative MAREAN of Hollis.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARTER of Bethel, CRAY of Palmyra, GIFFORD of Lincoln, MOORE of Standish, PIOTTI of Unity, PRATT of Eddington.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative PATRICK of Rumford, **TABLED** pending **REFERENCE** and later today assigned.

MARINE RESOURCES

Bill "An Act To Make Technical Changes to Maine's Aquaculture Statutes"

(H.P. 992) (L.D. 1409)

Sponsored by Representative PERCY of Phippsburg.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

NATURAL RESOURCES

Bill "An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat"

(H.P. 1004) (L.D. 1430)

Sponsored by Representative JOY of Crystal.

Cosponsored by Senator RAYE of Washington and Representatives: ANNIS of Dover-Foxcroft, CRAY of Palmyra, CURTIS of Madison, GIFFORD of Lincoln, RICHARDSON of

Carmel, RICHARDSON of Greenville, THIBODEAU of Winterport, Senator: SHERMAN of Aroostook.

Bill "An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility or Incineration Facility" (H.P. 1005) (L.D. 1431)

Sponsored by Representative VALENTINO of Saco.
Cosponsored by Senator HOBBS of York and Representative: PILON of Saco.

STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust (H.P. 1010) (L.D. 1441)

Sponsored by Representative WOODBURY of Yarmouth.
Cosponsored by Senator PERRY of Penobscot.

TAXATION

RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners

(H.P. 995) (L.D. 1412)

Sponsored by Representative EDGECOMB of Caribou.
Cosponsored by Representatives: LANSLEY of Sabattus, McFADDEN of Dennysville, SUTHERLAND of Chapman.

Bill "An Act To Set Fees for Services for Tax-exempt Property in Municipalities"

(H.P. 996) (L.D. 1413)

Sponsored by Representative BLANCHETTE of Bangor.
Cosponsored by Senator PERRY of Penobscot and Representatives: BRAUTIGAM of Falmouth, GERZOFISKY of Brunswick, HARLOW of Portland, HOGAN of Old Orchard Beach, PERCY of Phippsburg, SIMPSON of Auburn, Senators: BRYANT of Oxford, NUTTING of Androscoggin.

Bill "An Act To Support Farms and Limit Sprawl"

(H.P. 997) (L.D. 1414)

Sponsored by Representative PIOTTI of Unity.
Cosponsored by Representatives: MAREAN of Hollis, PIEH of Bremen, Senator: SHERMAN of Aroostook.

Bill "An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control"

(H.P. 1006) (L.D. 1432)

Sponsored by Representative CARTER of Bethel.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BRYANT of Windham, BURNS of Berwick, JACKSON of Allagash, JOY of Crystal, THERIAULT of Madawaska, WALCOTT of Lewiston, Senators: BRYANT of Oxford, GOOLEY of Franklin.

Bill "An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes"

(H.P. 1007) (L.D. 1433)

Sponsored by Representative HARLOW of Portland.
Cosponsored by Representative WEAVER of York, Senator SNOWE-MELLO of Androscoggin and Representatives: BEAULIEU of Auburn, COTTA of China, GIFFORD of Lincoln, HAYES of Buckfield, JOY of Crystal, MILLETT of Waterford, MIRAMANT of Camden, SCHATZ of Blue Hill.

Bill "An Act To Lower Maine Income Tax Rates"

(H.P. 1008) (L.D. 1434)

Sponsored by Representative ROBINSON of Raymond.
Cosponsored by Senator ROSEN of Hancock and Representatives: BROWNE of Vassalboro, FLETCHER of Winslow, HOTHAM of Dixfield, MILLETT of Waterford, SAVAGE of Falmouth, SYKES of Harrison, TARDY of Newport, WEAVER of York.

Bill "An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living"

(H.P. 1013) (L.D. 1444)

Sponsored by Representative BURNS of Berwick.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: CANAVAN of Waterville, CARTER of Bethel, FARRINGTON of Gorham, HARLOW of Portland, JACOBSEN of Waterboro, VAUGHAN of Durham, WALCOTT of Lewiston, WEAVER of York.

Resolve, To Study the Funding Formula of Cumberland County To More Equitably Apportion the Taxes Paid to County Government

(H.P. 1012) (L.D. 1443)

Sponsored by Representative BARSTOW of Gorham.
Cosponsored by Senator HASTINGS of Oxford.

Committee on **TAXATION** suggested.

On motion of Representative PIOTTI of Unity, **TABLED** pending **REFERENCE** and later today assigned.

TRANSPORTATION

Resolve, To Name the Gray Connector

(H.P. 993) (L.D. 1410)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Senator DAMON of Hancock and Representatives: BROWNE of Vassalboro, CEBRA of Naples, GOULD of South Berwick, HAMPER of Oxford, MILLETT of Waterford, PRESCOTT of Topsham, ROBINSON of Raymond, VAUGHAN of Durham.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

ORDERS

On motion of Speaker CUMMINGS of Portland, the following Joint Order: (H.P. 1018) (Cosponsored by Senator: President EDMONDS of Cumberland)

WHEREAS, the State of Maine possesses unique opportunities for innovative growth; and

WHEREAS, those opportunities raise issues that are normally placed before several different joint standing committees of the Legislature; and

WHEREAS, to capitalize on those opportunities, a focused, integrated and long-term approach is necessary to build sustainable prosperity for our State; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Prosperity is established as follows:

1. Establishment. The Joint Select Committee on Prosperity, referred to in this order as "the committee," is established.

2. Membership. The committee consists of 15 members of the Legislature: 4 Senators appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The President shall appoint 2 members from the party holding the largest number of seats and 2 from the party holding the second-largest number of seats. The Speaker shall appoint 5 members from the party

holding the largest number of seats, 5 from the party holding the second-largest number of seats and 1 who is unenrolled in any party. The first-named Senate and House members serve as co-chairs.

3. Duties. The committee shall develop a comprehensive plan to achieve sustainable prosperity in the State. In order to reach that goal, the committee shall:

A. Review recent reports aimed at addressing the long-term growth of the State's economy and the preservation of our quality of life, including, but not limited to:

(1) "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places," by the Brookings Institution;

(2) The final report of the Joint Select Committee on Research, Economic Development and the Innovation Economy; and

(3) The report of the Governor's Council on Jobs, Innovation and the Economy;

(4) "Economic Development Programs in Maine - EDPs Still Lack Elements Critical for Performance Evaluation and Public Accountability," from the Office of Program Evaluation and Government Accountability; and

(5) "Maine Comprehensive Research and Development Evaluation 2006," February 6, 2007, prepared pursuant to the Maine Revised Statutes, Title 5, section 13108;

B. Seek comments and recommendations from selected joint standing committees on elements of the plan that fall within their jurisdictions, including, but not limited to:

(1) From the Joint Standing Committee on Agriculture, Conservation and Forestry on investments in public lands necessary to preserve the State's quality of place;

(2) From the Joint Standing Committee on Appropriations and Financial Affairs on cuts to State Government enacted since the recession of 2001, potential future cuts and spending limitations at various levels of government;

(3) From the Joint Standing Committee on Business, Research and Economic Development on the proper level of investment in the innovation economy and the format and amount of that investment;

(4) From the Joint Standing Committee on State and Local Government on investments in municipal infrastructure necessary to preserve the State's quality of place;

(5) From the Joint Standing Committee on Taxation on the tax structure necessary to support sustainable growth in the State's economy;

(6) From the Joint Standing Committee on Transportation on the transportation infrastructure necessary to support sustainable growth in the State's economy, including highways, railroads and port facilities;

(7) From the Joint Standing Committee on Education and Cultural Affairs Committee on investments in higher education; and

(8) From the Joint Standing Committee on Government Oversight Committee on locating efficiencies and savings in State Government; and

C. Develop recommendations for future legislative action to expand the State's economy over the long term and to identify and address threats to the State's quality of life.

4. Meetings. In conducting its duties, the committee may meet with any individuals, departments, organizations or institutions it considers appropriate.

5. Appointments. All appointments must be made no later than 7 days following the effective date of this order.

6. Staff assistance. The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide

staffing and clerical assistance to the committee and may, within existing resources, obtain technical assistance from appropriate sources.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the committee held during the legislative interim.

8. Report. The committee shall submit its initial findings and recommendations, along with any necessary implementing legislation, to the First Regular Session of the 123rd Legislature by May 14, 2007 and shall submit its final findings and recommendations, along with any necessary implementing legislation, to the Second Regular Session of the 123rd Legislature by January 2, 2008.

9. Termination. The committee terminates January 4, 2008.

READ.

Representative PINGREE of North Haven **PRESENTED House Amendment "A" (H-22).**

House Amendment "A" (H-22) was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to clarify, in case you cannot find the amendment in the pile on your desk. The Amendment simply makes this a Select Committee rather than a Standing Committee. So just to clarify an error in the drafting. Thank you, Mr. Speaker.

House Amendment "A" (H-22) was ADOPTED.

Subsequently, the Joint Order was **PASSED as Amended by House Amendment "A" (H-22).**

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 18)

ORDERED, that Representative Robert A. Berube of Lisbon be excused February 15 and February 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia A. Blanchette of Bangor be excused March 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused March 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Teresea M. Hayes of Buckfield be excused February 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theodore S. Koffman of Bar Harbor be excused March 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused March 1 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused March 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher W. Rector of Thomaston be excused March 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Earl E. Richardson of Greenville be excused March 1 and March 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Wesley E. Richardson of Warren be excused February 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard V. Wagner of Lewiston be excused March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Weddell of Frankfort be excused February 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused March 1, March 6 and March 8 for health reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Change of Committee

Representative GERZOFKY from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Investigate Cellular Telephone Use and Driver Safety (H.P. 443) (L.D. 576)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TRANSPORTATION**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Create a One-time Fee for Veterans Vanity Registration Plates" (H.P. 104) (L.D. 112)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
PEOPLES of Westbrook
HOGAN of Old Orchard Beach
THOMAS of Ripley
FISHER of Brewer
BROWNE of Vassalboro
MAZUREK of Rockland
CEBRA of Naples

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-16)** on same Bill.

Signed:

Representatives:

THERIAULT of Madawaska
ROSEN of Bucksport

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize over my eagerness. Today I want to share my support of LD 112, a bill that will create a one-time fee for Veterans Vanity Registration Plates. Currently under State law, veterans with vanity plates are

required to pay a \$15 annual fee, as does anyone else that chooses to have a vanity plate when they register their vehicle.

This bill took life after I was contacted by a veteran from my hometown of Gray, who wanted to have the years he served in Vietnam on his Veterans license plate. His desire wasn't a surprise to me because, as many of you know, after talking with veterans, they are very proud of where they served, when they served, and what particular unit that they served with, as they were protecting our great land. So it should follow that they might want specific information displayed and visible on their Veterans license plate. Herein, lays our challenge, and why he came to us for help.

Having this information on the Veterans plate constitutes a vanity plate, and requires an additional \$15 fee, along with the registration, every single year. It seems appropriate that they pay the \$15 initially, to make up their special plate. However, once the initial fee is paid, this bill asked for a waiver for the fee from thereon, a small price for the State to invest in recognizing the service of these individuals who have given so much, to not only our country, but our great State.

Please do not confuse this request. This is not a new specialty plate. This is a Veterans plate with information especially significant to the individual veteran, if they so chose that option. We all know there is never a good time to disregard a revenue source. This bill has a projected fiscal source of up to \$28,000. Many of you who have served with me realize how I count and appreciate every hard-earned tax dollar and fee that is paid to this State. And I certainly respect the posture of the Transportation Committee, considering this bill.

Having worked with this veteran through our Legislative process, I feel the timing is extremely positive and good to recognize veterans by making these plates available—particularly the Vietnam Veteran, who is seeing such disparity in the welcoming home of our veterans and soldiers, versus their welcome home 40 years ago.

This bill is something that we can invest in with great emotional gain as a State. The veteran, who initiated this bill, has been so pleased with his legislative experience. He has felt empowered to speak out in a positive way, through his testimony in Committee, for all veterans. Especially, for those who have carried that negative weight, of their own homecoming for such a long time.

Now, regardless of your age, I know you have heard the stories about the Vietnam War, and the reception that many of our soldiers received when coming home. You may have had family, friends, or even a beau, as someone in this Chamber had, who served during that campaign. Those were difficult and emotional times, both for this country, and for our veterans to reconcile.

I speak today, not to pass on any guilt to you. You are not responsible for the prevailing attitudes of that era. I only ask, that as one of this leadership sitting in this Chamber today, that you consider the value of extending this grateful gesture of thanks to the veterans. It will send a message of healing for which many, many, feel that it is never ever too late to receive. I thank you for your thoughtful consideration.

On further motion of Representative PINGREE of North Haven, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

**CONSENT CALENDAR
First Day**

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

(H.P. 4) (L.D. 3) Bill "An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-20)**

(H.P. 190) (L.D. 219) Bill "An Act To Use Forfeited Bail Money for the Victims of an Offender" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-19)**

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

CONSENT CALENDAR
Second Day

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

(S.P. 44) (L.D. 136) Bill "An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992"

(S.P. 88) (L.D. 251) Bill "An Act To Authorize the Bureau of Warden Service to Provide Assistance to Other Entities" (C. "A" S-8)

(H.P. 394) (L.D. 511) Bill "An Act To Study the Feasibility of Locating a New Bridge in the St. David Area" (C. "A" H-17)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

ENACTORS
Emergency Measure

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

(H.P. 37) (L.D. 36)
(C. "A" H-10)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Ensure Proper Funding of the Public Utilities Commission

(H.P. 223) (L.D. 267)
(C. "A" H-11)

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

The **SPEAKER**: The Chair recognizes the Representative from Fayette, Representative Holman.

Representative HOLMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today, to speak in opposition to this bill as amended. First and foremost, I want to say it is my first time doing this, so give me a little slack. But second, I fundamentally believe that the State has an obligation to work at making energy more affordable and more sustainable. So I hope that you will remember that as I make my comments on this bill before us.

However, with all due respect to the Committee and their hard work, and I know that this is a Unanimous Report. I am opposed to this bill as amended. Because of the fundamental facts of what we are as a body. What we are, is a part-time Legislature, where citizens who serve, who do not necessarily have the expertise that we might have, as we are placed on those Committees of jurisdiction.

Most importantly, we are a term-limited Legislature. I have been up working here in Augusta for many years, and when we passed the law that term-limited the Legislature, there was a major shift in power, in my mind. That shift was away from the Legislative Branch.

What this bill does, in part, and what my objection to this bill is, is that it removed from the Public Utilities Commission, a cap on revenues. What that means, is it allows the PUC to raise electricity rates, or rates on consumers. Right now, there is a cap in place. I have a fundamental objection with removing that cap, because it shifts power away from the Legislative Branch, which places a check on their ability to raise rates.

So, I am speaking today, on behalf of my constituents, who are ratepayers. I'm not an expert on utility matters, but I do have a lot of experience in dealing with the three branches of governments. Caps and statutes, caps on spending, caps on revenues and statutes, provide an important incentive to agencies to meet those expectations, and to prioritize what they do. It safeguards our powers and authorities. And also protects, a safeguard in place, for our citizens. In this case, it is the ratepayers.

Arguments for this bill, this is an academic issue. Well if it is so academic, why do we need this? Why do we need to remove that cap? I have also been told that the legislators who serve on this Committee are very qualified. They are good people. They mean to do well. I believe that. But we do not pass laws based on personalities. We pass laws so we have systems in place to protect our citizens. I have been told that this is the "better of two evils". Well when that "evil" is on our ratepayers, I'm not going to vote for either evil. I hope that you will agree with me.

I have been told that we've been asked by the PUC, we've asked the PUC to do more, and more things. That is why they need more money. But I also ask you to think about all of the things this Legislature has done in the last few years, to increase spending on utility matters. We have created more. We have created offices and new positions over at the State Planning Office, in order to study this. So why are we adding those responsibilities on to the PUC? Or maybe we should be looking at this more thoroughly.

My point is, as a part-time citizen, term-limited legislator, will the members of the Utilities Commission from this point forward have that expertise to thoroughly review, which is a very complicated area of knowledge? I think that we would all agree with that. Are we certain that they are going to have that expertise to provide that very, thorough analysis needed, in order to make sure ratepayers are not being taken advantage of?

I think that one of the most important questions to ask yourself, is if we pass this law, are our rates going down tomorrow? Or are rates going up? I have been told our rates will go up. Will they go up in the future? You bet. I think caps work. This exact same issue was presented to the Workers' Compensation Board, and the Legislative Committee of jurisdiction, declined to remove their cap. I believe it was because of the safeguards the caps provide, an important power of the Legislative Branch.

With that, I'd ask you to please consider my arguments. Please consider your ratepayers. Please consider the importance of the Legislative Branch's authority, and to keep that

cap in place. Mr. Speaker, I'd ask for a roll call in this matter. Thank you very much, for indulging me.

Representative HOLMAN of Fayette **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I share many of the same values, principles, as the good Representative from Fayette. For those who know me, they talk about, "squeaking the dime into about 11 cents." I understand her points. They are valid. But let me tell you how I view it, and I hope that we can look at it from an objective point of view.

The current system says that, "you will collect no more than". It is a revenue cap. The way the system has worked, is that automatically, when we raise that cap, the ratepayers end up paying that. Even though, the revenue isn't needed for this period of time. So in a way, we are charging them more than what the actual expenses of the PUC would be because we are building a reserve that will be utilized over time, to fund the PUC as changes grow.

I also want to stress the fact that I have a great deal of respect for my members of the Utilities and Energy Committee. We guard with our life, those ratepayer fees, because we know it is a hidden tax. People do not see them. We can do it without a vote of this body. So we are very, very conscious to make sure everything that is spent, which comes out of ratepayers' pockets, has a value. That actually, this process that we are going to, will require that the Committee of jurisdiction scrutinize and recommend the budget, which is the spending.

I am not a believer in tax caps, or revenue caps. We have to deal with the issue, which is the spending side of the equation. Because the revenue, or tax cap, is a result of the taxes. So, I believe that we will have a much better control over the spending, by dealing with the spending, and not be dealing with the revenue side of the equation. Let us spend our time and energy doing the checking of the numbers, to make sure that value is created.

Point number three, the PUC is spending more money than what they have in the past. Absolutely. But that is because the Committee of jurisdiction have said, "We want you to do this piece of work for the ratepayers, and the consumers of the State of Maine." We aren't asking them to go out and do frivolous stuff. We want to see the cost and benefit analysis. I didn't bring the numbers with me, but if you look at what the PUC and what the public advocate, which by the way is funded the same way.

We approve the budget every year. We expect them to save money to avoid costs for ratepayers in the State of Maine. We measure their performance, on what they save potential ratepayers from rate increases. So I just want people to understand that. This is not about trying to control their spending. This is putting an artificial cap, which will then become another issue, which we'll then raise and we'll collect extra money for a while. I wholeheartedly agree with the principles. That we have to make sure that everything we spend creates value for the ratepayer or the taxpayer.

We will probably have a lot of debates this session, on those principles and values. But I would suggest that in this case, this is the best option. It is a more frugal option and it gets to the heart of the issue, which is where are we spending the money, and what are we doing for the work. If you want to hold someone accountable, hold the thirteen members of the Utilities and Energy Committee. I would welcome you to come every time,

any time, and watch us turn ten cents into eleven. Thank you, very much, Ladies and Gentlemen.

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 could not agree more with my colleague, the good Representative from Winslow. He has served admirably, as the lead from the other party on this Committee for several years, and is constantly reminding the Chair that we have to scrutinize every nickel. He does an amazing job of that. This bill also, does that.

It is kind of a peculiar thing that there is in statute, a maximum amount that the Public Utilities Commission can assess utilities every year, to provide operating funds. They are not funded by the General Fund. They are funded by this Assessment on Utilities. It is a peculiar thing that the maximum that they can possibly assess, is written into statute.

My colleague is right. What this means, is they'll assess that maximum. Every few years, we have to change the statute to raise the maximum so that they can, guess what? Assess the maximum. They build up a reserve and it leads to—who knows what it leads to.

We didn't think that made sense anymore. We thought it made more sense to rely on the Committee to scrutinize their budget. So we have taken that cap out of statute, and instead written in, and this was a bill that was unanimously approved as amended, by the Utilities and Energy Committee. The amendment that we inserted into the bill, was to specifically require that the Public Utilities Commission come to the Committee of jurisdiction and walk through their budget, and allow us to recommend to the Legislature approval, or not, of the budget that they think that they want to have any given year.

My good friend, from Winslow, is exactly right. That this will make them operate more carefully. It will save more money. It will allow them to do their job better. For a lot of years, the Public Utilities Commission was basically an adjudicatory body. In the last six or seven years, the Utilities and Energy Committee has given more and more authority and responsibility, to that Commission. We have given them the responsibility that used to be held by the Utilities for efficiency programs.

Now, we have Efficiency Maine, operated by the Public Utilities Commission. We have given them responsibility to implement and operate both the E-911 telephone emergency response system, but also the consolidation of that system—from 49 ESOPs scattered around the state, to a smaller number, somewhere between 16 and 24 for efficiency purposes. The Public Utilities Commission is doing a lot of things they didn't use to do. They have already bumped against that statutory cap. We do not want them to "bump" against another statutory cap that we artificially create.

This bill makes sense. It streamlines the process. It still requires them to come back to us, both the Utilities and Energy Committee and the Legislature as a whole, and get approval before they can move forward with the budget, any given year. I would urge you to vote in favor of LD 267. Thank you, Mr. Speaker.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 6

YEA - Adams, Babbidge, Beaudette, Beaudoin, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Hotham, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, McDonough, McFadden, McLeod, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Rines, Rosen, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Campbell, Cebra, Chase, Crosthwaite, Duprey, Edgecomb, Finley, Gould, Holman, Jacobsen, Joy, Knight, Lansley, Lewin, McKane, Millett, Moore, Muse, Prescott, Richardson E, Richardson W, Robinson, Savage, Vaughan, Weaver.

ABSENT - Barstow, Beaulieu, Cressey, Hayes, Jackson, Mazurek, Nass, Pineau, Samson, Smith N, Thomas.

Yes, 112; No, 28; Absent, 11; Excused, 0.

112 having voted in the affirmative and 28 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Reinstatement of Group Life Insurance for Public Employees Returning from Unpaid Military Leave

(H.P. 136) (L.D. 154)
(C. "A" H-9)

An Act To Allow the Municipal Clerk To Inspect Municipal Election Ballots

(H.P. 173) (L.D. 202)
(C. "A" H-8)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 490)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 20, 2007, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group" (EMERGENCY)
(S.P. 497) (L.D. 1419)

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 Maine Rivers and To Authorize a General Fund Bond Issue"

(S.P. 483) (L.D. 1395)

Bill "An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services"

(S.P. 502) (L.D. 1435)

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.

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Human Services for Promoting Permanency and Safety for Children (EMERGENCY)

(S.P. 484) (L.D. 1396)

Bill "An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments"

(S.P. 486) (L.D. 1398)

Bill "An Act To Provide Patients with Their Medication"

(S.P. 496) (L.D. 1418)

Resolve, To Remove Barriers to Smoking Cessation Treatment in Maine

(S.P. 499) (L.D. 1421)

Bill "An Act To Review Prescription Drug Prior Authorization under MaineCare"

(S.P. 504) (L.D. 1437)

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 Prohibiting Delivery of Unsolicited Credit Cards"

(S.P. 489) (L.D. 1401)

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 Regarding the Right of a Person To Appeal from the Action of a State Agency"

(S.P. 493) (L.D. 1415)

Bill "An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens"

(S.P. 501) (L.D. 1423)

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 Create a Workers' Compensation Board Appeals Process"

(S.P. 494) (L.D. 1416)

Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees

(S.P. 503) (L.D. 1436)

Bill "An Act To Reverse the Effects of the Grant Case on Workers' Compensation" (S.P. 505) (L.D. 1438)

Bill "An Act To Enhance the Workers' Compensation Board Advocate Program" (S.P. 506) (L.D. 1439)

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 Allow Nonprofit Organizations and Indian Tribes To Sponsor Texas Hold 'Em Tournaments" (S.P. 485) (L.D. 1397)

Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License" (S.P. 500) (L.D. 1422)

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 Amend the Definition of 'Territorial Waters' and Study Maine's Coastal Policies" (S.P. 498) (L.D. 1420)

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

Bill "An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites" (S.P. 495) (L.D. 1417)

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 Amend the Laws Governing the Taxation of Partnerships" (S.P. 488) (L.D. 1400)

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

Resolve, To Ensure the Safety of Roads with High Volumes of Traffic (S.P. 487) (L.D. 1399)

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

Pursuant to Statute

Commission on Governmental Ethics and Election Practices
Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1007 asks leave to report that the accompanying Bill "An Act Regarding Lobbyist Disclosure" (S.P. 481) (L.D. 1393)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

Pursuant to Statute

Commission on Governmental Ethics and Election Practices
Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act Regarding Campaign Finance Disclosure by Political Action Committees" (S.P. 482) (L.D. 1394)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

CONSENT CALENDAR

First Day

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

(S.P. 129) (L.D. 382) Bill "An Act To Correct an Inconsistency in Unemployment Insurance Tax Law" Committee on **LABOR** reporting **Ought to Pass**

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

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

(H.P. 169) (L.D. 198) Bill "An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to \$20,000" Committee on **JUDICIARY** reporting **Ought to Pass**

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

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't mention that today is Maine's 187th Birthday. I was reminded of that by our good House historian, the Gentleman from Portland, the good and Honorable Representative Herbert Adams. So, Happy Birthday, Maine.

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

On motion of Representative GROSE of Woolwich, the House adjourned at 11:44 a.m., until 10:00 a.m., Tuesday, March 20, 2007 pursuant to the Joint Order (S.P. 490) and in honor and lasting tribute to Edward D. True II, of Bath.