

# 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  
22nd Legislative Day  
Thursday, March 22, 2007

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

Prayer by Reverend Anne Stanley, Christ Episcopal Church, Norway.

National Anthem by Jimmyjo and the Jumbol'ayuhs, Phippsburg.

Pledge of Allegiance.

Doctor of the day, Julie Pease, M.D., Brunswick.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 576)

**RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS**

**Considérant que**, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

**Considérant que**, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

**Considérant que**, le français est la première langue de milliers de citoyens du Maine; et

**Considérant que**, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

**Considérant que**, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

**Considérant que**, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

**Considérant que**, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

**Considérant que**, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

**Résolu**, que nous, les membres de la Cent-Vingt-troisième Législature, assemblés dans le première session régulière, au nom des gens que nous représentons, proclamons que mercredi, 21 mars, 2007 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

**Résolu**, que nous suggérons que le Jour Franco-Américain soit célébré chaque année pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

**JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

**RESOLVED**: That We, the members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, proclaim that Wednesday, March 21, 2007 is Franco-American Day, to be celebrated at the State Capitol; and be it further

**RESOLVED**: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

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

**READ and ADOPTED** in concurrence.

Bill "An Act To Fund the Fuel Assistance Reserve Fund To Ensure That Help from the Low-income Home Energy Assistance Program Is Received in a Timely Fashion"

(S.P. 572) (L.D. 1628)

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 Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 564) (L.D. 1620)

Bill "An Act To Expand Exemptions from Licensing Laws for Professional Engineers"

(S.P. 566) (L.D. 1622)

Bill "An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting"

(S.P. 567) (L.D. 1623)

Bill "An Act To Ensure Cost-effective Training for Certified Nursing Assistants"

(S.P. 570) (L.D. 1626)

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 Protect Families and Enhance Public Safety by Making Domestic Violence a Crime"

(S.P. 571) (L.D. 1627)

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.

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Bill "An Act To Amend the Laws Regarding Adult Education" (S.P. 563) (L.D. 1619)

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.

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Bill "An Act To Repeal Strict Foreclosure" (S.P. 561) (L.D. 1617)

Bill "An Act Regarding Jury Service" (S.P. 573) (L.D. 1629)

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

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

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Bill "An Act To Allow Temporary State Workers To Contribute to Social Security" (S.P. 560) (L.D. 1616)

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

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

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Bill "An Act To Strengthen Maine's Distracted-driving Penalties" (S.P. 559) (L.D. 1587)

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

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

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Bill "An Act To Ensure the Reliability of Communications Equipment in Certain Buildings" (S.P. 565) (L.D. 1621)

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.

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Bill "An Act To Protect Maine Consumers from Windfall Profits of Generators" (S.P. 569) (L.D. 1625)

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

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.

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**Pursuant to Statute  
Judicial Compensation Commission**

Report of the **Judicial Compensation Commission** pursuant to the Maine Revised Statutes, Title 4, section 1701

asks leave to report that the accompanying Bill "An Act To Address an Inequity in the Judicial Retirement System" (S.P. 574) (L.D. 1630)

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

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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**Non-Concurrent Matter**

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

**PASSED TO BE ENACTED** in the House on March 20, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-18)** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 146)

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

March 21, 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 Insurance and Financial Services, the nomination of Edward David of Bangor for appointment to the Dirigo Health Board of Directors.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**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, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power (H.P. 1153) (L.D. 1644)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: CARTER of Bethel, CLARK of Millinocket, DUCHESNE of Hudson, Senators: GOOLEY of Franklin, SHERMAN of Aroostook.

Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds" (H.P. 1159) (L.D. 1650)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Senator DAMON of Hancock and Representatives: FAIRCLOTH of Bangor, MAREAN of Hollis, PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington.

Bill "An Act To Create a Saco River Preservation Fund"  
(H.P. 1177) (L.D. 1668)

Sponsored by Representative MUSE of Fryeburg.  
Cosponsored by Senator HASTINGS of Oxford.

#### APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds"

(H.P. 1163) (L.D. 1654)

Sponsored by Representative THOMAS of Ripley.

Cosponsored by Senator GOOLEY of Franklin and Representatives: AYOTTE of Caswell, CEBRA of Naples, EMERY of Cutler, JOY of Crystal, LEWIN of Eliot, McKANE of Newcastle, MILLETT of Waterford, SAVIELLO of Wilton.

#### BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection"

(H.P. 1166) (L.D. 1657)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator PERRY of Penobscot and Representatives: DRISCOLL of Westbrook, EBERLE of South Portland, KOFFMAN of Bar Harbor, MacDONALD of Boothbay, SAMSON of Auburn, TREAT of Farmingdale, Senators: SCHNEIDER of Penobscot, STRIMLING of Cumberland.

Bill "An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act"

(H.P. 1146) (L.D. 1637)

Sponsored by Representative SIMPSON of Auburn.

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

On motion of Representative SMITH of Monmouth, **TABLED** pending **REFERENCE** and later today assigned.

#### EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Reduce School Construction Costs"

(H.P. 1143) (L.D. 1634)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: KOFFMAN of Bar Harbor, MAKAS of Lewiston, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, PIOTTI of Unity, SAMSON of Auburn, Senator: DIAMOND of Cumberland.

Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law (EMERGENCY)

(H.P. 1147) (L.D. 1638)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BLISS of South Portland, EDGECOMB of Caribou, HARLOW of Portland, LANSLEY of Sabattus, NORTON of Bangor, PERCY of Phippsburg, PINGREE of North Haven, STRANG BURGESS of Cumberland.

Bill "An Act To Appropriate Funds for the Katahdin Cultural Center"

(H.P. 1181) (L.D. 1683)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BLANCHARD of Old Town, GIFFORD of Lincoln, JOY of Crystal, RICHARDSON of Greenville, THOMAS of Ripley, Senators: MILLS of Somerset, SHERMAN of Aroostook, SMITH of Piscataquis.

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

#### HEALTH AND HUMAN SERVICES

Resolve, Directing the Commissioner of Health and Human Services To Implement Representative Payee and Disability Specialists Programs

(H.P. 1148) (L.D. 1639)

Sponsored by Representative SCHATZ of Blue Hill.

Bill "An Act To Provide One-time Funds To Leverage Private Funds To Strengthen Children and Families in Maine"

(H.P. 1169) (L.D. 1660)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BLISS of South Portland, CAIN of Orono, FAIRCLOTH of Bangor, FISCHER of Presque Isle, HASKELL of Portland, KAENRATH of South Portland, WEBSTER of Freeport, Senator: TURNER of Cumberland.

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

Resolve, To Support Community Planning for the Aging of the Population

(H.P. 1170) (L.D. 1661)

Sponsored by Representative CAMPBELL of Newfield.

Cosponsored by Senator RAYE of Washington and Representatives: CONNOR of Kennebunk, FINLEY of Skowhegan, GROSE of Woolwich, LEWIN of Eliot, MILLER of Somerville, WALCOTT of Lewiston, WALKER of Lincolnville, Senator: BRANNIGAN of Cumberland.

Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities"

(H.P. 1178) (L.D. 1669)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by President EDMONDS of Cumberland and Representatives: FISCHER of Presque Isle, MILLER of Somerville, PERRY of Calais, PINGREE of North Haven, Senator: MITCHELL of Kennebec.

#### INLAND FISHERIES AND WILDLIFE

Bill "An Act To Prohibit Recreational Bear Trapping"

(H.P. 1144) (L.D. 1635)

Sponsored by Representative SCHATZ of Blue Hill.

Resolve, To Improve Landowner Relations

(H.P. 1151) (L.D. 1642)

Sponsored by Representative FISCHER of Presque Isle.

#### INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health"

(H.P. 1149) (L.D. 1640)

Sponsored by Representative WOODBURY of Yarmouth.

Bill "An Act To Provide for Transparency in Insurance Rate Proceedings"

(H.P. 1150) (L.D. 1641)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Representatives: BRAUTIGAM of Falmouth, CONOVER of Oakland, SMITH of Monmouth, TREAT of Farmingdale.

Bill "An Act To Improve the Affordability of Health Insurance for Maine People"

(H.P. 1168) (L.D. 1659)

Sponsored by Representative TARDY of Newport.

Cosponsored by Senator TURNER of Cumberland and Representatives: McKANE of Newcastle, RICHARDSON of Warren, SAVAGE of Falmouth, VAUGHAN of Durham, Senators: MILLS of Somerset, SNOWE-MELLO of Androscoggin.

Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention"

(H.P. 1176) (L.D. 1667)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BARSTOW of Gorham, BEAUDOIN of Biddeford, BOLAND of Sanford, BRAUTIGAM of Falmouth, BURNS of Berwick, CANAVAN of Waterville, GROSE of Woolwich, WEAVER of York, Senator: SULLIVAN of York.

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### JUDICIARY

Bill "An Act To Authorize Judges To Mandate Counseling for Juvenile Offenders"

(H.P. 1171) (L.D. 1662)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BRAUTIGAM of Falmouth, CONOVER of Oakland, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, HOLMAN of Fayette, TARDY of Newport, Senators: HASTINGS of Oxford, NUTTING of Androscoggin.

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

Committee on **JUDICIARY** suggested.

On motion of Representative MILLS of Farmington, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

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### LABOR

Bill "An Act To Prevent Real Minimum Wages from Falling"

(H.P. 1162) (L.D. 1653)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator BRYANT of Oxford and Representatives: BEAUDOIN of Biddeford, BEAULIEU of Auburn, BURNS of Berwick, CASAVANT of Biddeford, FAIRCLOTH of Bangor, PIOTTI of Unity, Senators: DAMON of Hancock, MARTIN of Aroostook.

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### LEGAL AND VETERANS AFFAIRS

Bill "An Act To Clarify Alcohol Enforcement"

(H.P. 1152) (L.D. 1643)

Sponsored by Representative CAIN of Orono.

Bill "An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits"

(H.P. 1160) (L.D. 1651)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BRYANT of Windham, HOLMAN of Fayette, PATRICK of Rumford, SAVIELLO of Wilton, WAGNER of Lewiston, WEDDELL of Frankfort, Senator: PLOWMAN of Penobscot.

### NATURAL RESOURCES

Bill "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

(H.P. 1167) (L.D. 1658)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DOW of Lincoln and Representatives: AYOTTE of Caswell, DUCHESNE of Hudson, FAIRCLOTH of Bangor, HINCK of Portland, KOFFMAN of Bar Harbor, TREAT of Farmingdale, Senators: BARTLETT of Cumberland, TURNER of Cumberland.

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### STATE AND LOCAL GOVERNMENT

Bill "An Act To Extend the Right To Vote by Absentee Ballot at an Annual Town Meeting"

(H.P. 1145) (L.D. 1636)

Sponsored by Representative CRESSEY of Cornish. (BY REQUEST)

Bill "An Act To Modify Daylight Savings Time According to Federal Statute"

(H.P. 1172) (L.D. 1663)

Sponsored by Representative BARSTOW of Gorham.

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

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### TAXATION

Bill "An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles"

(H.P. 1154) (L.D. 1645)

Sponsored by Representative MOORE of Standish.

Cosponsored by Representatives: CLARK of Millinocket, HOTHAM of Dixfield, Senator: SHERMAN of Aroostook.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to the Elderly and Disabled

(H.P. 1155) (L.D. 1646)

Sponsored by Representative MAZUREK of Rockland.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BLANCHARD of Old Town, GROSE of Woolwich, HANLEY of Gardiner, HOGAN of Old Orchard Beach, LUNDEEN of Mars Hill, MARLEY of Portland, PERCY of Phippsburg, VALENTINO of Saco.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing

(H.P. 1156) (L.D. 1647)

Sponsored by Representative CRESSEY of Cornish.

Bill "An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws"

(H.P. 1157) (L.D. 1648)

Sponsored by Representative WAGNER of Lewiston.

Cosponsored by Representatives: BLANCHARD of Old Town, CONOVER of Oakland, CRAVEN of Lewiston, KNIGHT of Livermore Falls, MILLER of Somerville, PIOTTI of Unity, THERIAULT of Madawaska, WATSON of Bath.

Bill "An Act To Establish a Local Option Real Estate Transfer Tax for Homestead Tax Relief"

(H.P. 1158) (L.D. 1649)

Sponsored by Representative WOODBURY of Yarmouth.

Bill "An Act To Support County Corrections and Public Education"

(H.P. 1161) (L.D. 1652)

Sponsored by Representative BARSTOW of Gorham.

Bill "An Act To Exempt Vegetable Seeds and Fertilizer from the Sales Tax"

(H.P. 1173) (L.D. 1664)

Sponsored by Representative MAREAN of Hollis.

Cosponsored by Representative BERRY of Bowdoinham, Senator NASS of York and Representatives: ANNIS of Dover-Foxcroft, CLARK of Millinocket, CRAY of Palmyra, CURTIS of Madison, GIFFORD of Lincoln, McDONOUGH of Scarborough, PIOTTI of Unity, SAVIELLO of Wilton.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in the Property Tax Liability of Elderly Maine Residents

(H.P. 1174) (L.D. 1665)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, EBERLE of South Portland, GERZOFKY of Brunswick, KOFFMAN of Bar Harbor, MILLETT of Waterford, SIMPSON of Auburn.

Bill "An Act To Promote Tax Fairness"

(H.P. 1179) (L.D. 1670)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: CAIN of Orono, FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, PIOTTI of Unity, Senators: BROMLEY of Cumberland, BRYANT of Oxford, DOW of Lincoln, MITCHELL of Kennebec.

Bill "An Act To Limit Homestead Property Taxes to 5% of Income"

(H.P. 1180) (L.D. 1671)

Sponsored by Representative WOODBURY of Yarmouth.

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#### UTILITIES AND ENERGY

Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

(H.P. 1164) (L.D. 1655)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BEAULIEU of Auburn, BERRY of Bowdoinham, BLISS of South Portland, BRAUTIGAM of Falmouth, FLETCHER of Winslow, SAMSON of Auburn, Senators: BROMLEY of Cumberland, HOBBS of York.

Bill "An Act To Amend the Fryeburg Water District Charter" (EMERGENCY)

(H.P. 1165) (L.D. 1656)

Sponsored by Representative MUSE of Fryeburg.

Cosponsored by Senator HASTINGS of Oxford.

Resolve, Directing the Public Utilities Commission To Amend its Rules To Increase the Amount of Energy Conservation Funds for School Administrative Units

(H.P. 1175) (L.D. 1666)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: CAIN of Orono, Speaker CUMMINGS of Portland, FLOOD of Winthrop, KOFFMAN of Bar Harbor, MacDONALD of Boothbay, Senators: BARTLETT of Cumberland, DOW of Lincoln, MILLS of Somerset.

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

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#### ORDERS

On motion of Speaker CUMMINGS of Portland, the following Joint Resolution: (H.P. 1142) (Cosponsored by President EDMONDS of Cumberland and Representative: PINGREE of North Haven)

#### JOINT RESOLUTION RECOGNIZING THE FOURTH ANNUAL INTERNATIONAL PIANO MUSIC FESTIVAL

WHEREAS, the Portland Conservatory of Music was founded in 1995 to provide excellent musical instruction to individuals of all ages, goals and abilities, which is unique among organizations in Maine; and

WHEREAS, the Portland Conservatory of Music has brought that mission to life by bringing the gift of music into the lives of hundreds of students by offering programs such as private lessons on various instruments, music classes and ensembles to students across the region; and

WHEREAS, the Portland Conservatory of Music currently has more than 400 students from across the region and has a faculty numbering more than 40 of Maine's most talented musicians; and

WHEREAS, the Portland Conservatory of Music has established international piano and chamber music festivals to bring concerts to the public and serve as a meeting ground for musicians of all ages and from all parts of the globe by providing intensive instruction, performing opportunities for young musicians and nightly concerts by professional musicians; and

WHEREAS, the Portland Conservatory of Music is proud to host the Fourth Annual International Piano Music Festival in Portland, Maine from June 24 to June 27, 2007 and welcomes performers and guests from around the world to share their love and appreciation of music; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to salute the Portland Conservatory of Music for hosting the Fourth Annual International Piano Music Festival and we welcome all participants and guests to the State of Maine during the music festival; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Portland Conservatory of Music with our appreciation for its enhancing the art of music in the State of Maine.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 19)

ORDERED, that Representative Stacey Allen Fitts of Pittsfield be excused March 6 and March 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused March 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Douglas A. Thomas of Ripley be excused March 13 and March 15 for health reasons.

**READ and PASSED.**

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#### SPECIAL SENTIMENT CALENDAR

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

**Recognizing:**

Laura Fortman, of Nobleboro, on the occasion of her induction into the Maine Women's Hall of Fame by the Maine Federation of Business and Professional Women. The Hall of Fame is dedicated to women whose achievements and contributions have made a significant statewide impact, improved the lives of women in Maine and have enduring value for women. Ms. Fortman is the Commissioner of Labor, where she has included several major initiatives that have improved the economic well-being of women in Maine. She served as the Executive Director of the Maine Women's Policy Center and Lobby for 10 years, where she was instrumental in passing Maine's Equal Pay Law, Employment Leave for Victims of Violence legislation, among other major achievements. Ms. Fortman has been a tireless advocate for Maine women and families, and for all workers in the State of Maine. We extend our congratulations to her on her receiving this high honor and we send her our best wishes;

(HLS 150)

Presented by Representative TUTTLE of Sanford. Cosponsored by Representative BURNS of Berwick, Representative CLARK of Millinocket, Representative CRESSEY of Cornish, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUPREY of Hampden, Representative HASKELL of Portland, Representative JACKSON of Allagash, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SYKES of Harrison, Representative THOMAS of Ripley, Representative PIEH of Bremen, Speaker CUMMINGS of Portland, President EDMONDS of Cumberland, Representative PINGREE of North Haven, Representative TARDY of Newport, Representative FAIRCLOTH of Bangor, Representative CROSTHWAITE of Ellsworth, Senator WESTON of Waldo, Senator MARTIN of Aroostook, Senator MITCHELL of Kennebec, Senator ROSEN of Hancock.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is indeed an honor that I rise today in recognition of Laura Fortman, of Nobleboro. As the Clerk has told you, Ms. Fortman is the Commissioner of Labor, where she has led several major initiatives that have improved the economic well-being of women, in Maine.

Laura was instrumental in passing Maine's Equal Pay Law. Ms. Fortman has been a tireless advocate for Maine women and families and all workers of the State of Maine. She has done a tremendous job, not only in her capacity as Commissioner of Labor, but in her life's work. I think the recognition is greatly served. I think that these achievements should be recognized and congratulated. Mr. Speaker, Ms. Fortman is in the back of the Chamber and asked that she might be recognized.

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

**Recognizing:**

Sanford Chief of Police Thomas Jones, of Sanford, on the occasion of his retirement from law enforcement after 36 years of service. Chief Jones was raised in Eustis and joined the U.S. Air Force in 1967. After 4 years in the military, which included a stint in Vietnam, he worked for 14 years for the Farmington Police Department, leaving as a patrol sergeant. Chief Jones served for 9 years as the Chief of Police in Standish and 8 years as the commander of the Bureau of Operations in Sanford before

becoming the Chief of Police in Sanford in 2002. When he retires in May 2007, he will leave behind a legacy of high-quality police work and good leadership. We congratulate and send our best wishes to Chief Jones on the occasion of his retirement and thank him for his immeasurable service to his community;

(HLS 163)

Presented by Representative BOLAND of Sanford. Cosponsored by Representative TUTTLE of Sanford, Senator COURTNEY of York, Representative NASS of Acton.

On **OBJECTION** of Representative BOLAND of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I only recently learned that Chief Thomas Jones was actually born at the bottom of a lake—Flagstaff, Maine—once a town, now a lake. About Chief Jones, I would just like to say that he has always been a gentleman and a professional in every way. He came to Sanford at a time of great flux, and just kept a very steady hand on the tiller of the ship, sometimes navigating rather challenging waters.

In a town with a steadily growing population and briskly developing economy, change has been the order of the day. Budgets have never been easy, staffing was never what he wished, but Chief Jones has managed, with deft strategies and quiet confidence. He is a man of integrity and honesty, who for 36 years, has served his country, state, and community, with humility and wisdom, as he has led his department. He inspired those even closer to him, as both of his sons are in law enforcement also.

Chief Jones has been a credit and a comfort to the Town of Sanford, and will be remembered with fondness and gratitude. As this man of the lake retires to the pleasures of fishing and taking his ease, I am honored to salute Chief Thomas Jones, of Sanford.

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

**Recognizing:**

Dale McCormick, of Augusta, on the occasion of her induction into the Maine Women's Hall of Fame by the Maine Federation of Business and Professional Women. The Hall of Fame is dedicated to women whose achievements and contributions have made a significant statewide impact, improved the lives of women in Maine and have enduring value for women. Ms. McCormick is currently Director of the Maine State Housing Authority, now called MaineHousing. She was the first woman to be elected to serve as the Treasurer of the State of Maine in 1997 and she served for 8 years. She served 3 terms in the Maine State Senate and in 1988 founded Women Unlimited, a program that successfully trains women on welfare to compete for high-paying jobs in trade and technical occupations. She is the author of 2 books and has founded her own construction and design firm. Ms. McCormick is also a founder of the Maine Lesbian and Gay Political Alliance. We extend our congratulations to her on her receiving this high honor and we send her our best wishes;

(HLS 164)

Presented by Representative SMITH of Monmouth. Cosponsored by Representative AUSTIN of Gray, Representative BEAUDETTE of Biddeford, Representative BEAULIEU of Auburn, Senator BROMLEY of Cumberland, Representative CLEARY of Houlton, Senator COURTNEY of York, Representative MacDONALD of Boothbay, Representative



PRESCOTT of Topsham, Representative RECTOR of Thomaston, Representative SAMSON of Auburn, Senator SCHNEIDER of Penobscot, Senator MITCHELL of Kennebec, Representative SILSBY of Augusta, Representative CROCKETT of Augusta, Representative BROWNE of Vassalboro.

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Good morning, to Dale. She is hiding in the back. I would ask her to step forward. I am honored to be giving this sentiment to the members of the House today. Dale McCormick is my friend and a fine role model.

As you've heard, the Maine Women's Hall of Fame was established in 1990. That was by the Maine Federation of Business and Professional Women. That was the year I was the President of the Winthrop Chapter of the Business and Professional Women's Club. Little did I know, 17 years later, I would be standing here honoring one of the inductees.

As you heard Millie describe, the criteria for being elected to the Hall of Fame is to have achievements of significant statewide impact, significantly improving the lives of women, and contributions of enduring value for women. Dale McCormick fits all of these criteria fine. If you find yourself wondering why we need a Women's Hall of Fame in Maine, or why we have Girl's Day at the State House, please come see me later and we will have a talk.

In the meantime, you need to know Dale McCormick is a dynamo. In the political arena, she was the Senator in my district for 3 terms. As I go door to door, she is still known as, "that lady who rode her bicycle all over the district", because that is how she campaigned. The first woman State Treasurer is currently the Director of Maine Housing, and also a longtime champion for equal protection for all of Maine's citizens.

In her other professional career, she is an author of, I know, two books. One is a phenomenal book on how to fix things around the house. She also created Women Unlimited, the purpose of which is to facilitate low-income women coming into the non-traditional trades.

Now why would women want to go into construction and the related trades that are dirty, exhausting, and dangerous work? In my professional career, as the first 10 plus years as a forester, and now 10 plus years as a farmer, I know as well as Dale does, why women want these dirty, dangerous, intense jobs. Women want them for the same reasons men want them—they pay well, they are challenging, and there is a professional satisfaction that comes with working with your hands, to help create something substantial.

Beyond the professional perspective on Dale McCormick's achievements, I want to talk from the parental perspective. I have an 11-year-old daughter. Marinna believes she can do or be anything. Her current plan is to be a professional basketball player, then an anthropologist, and the Governor of the State of Maine—I think she is well on her way. Something happens though to girls, as they mature from being the 11-year-olds with the world at their feet, to adults making career and life decisions. There is a real risk that they lose the self-confidence and the determination that will get them where they want to be. Women like Dale, continue to show my daughter and yours, that she can achieve anything.

Now I also have two sons, who are nearly grown men themselves. As important as it is for their sister to know that she

can do anything, it is equally important for them to know that their sister and their peers can dream big and boldly go forward.

My sons, and yours, live in a world where they see women can do anything that they set their minds, their hands, and their hearts to. Because of the work of Dale McCormick and women like her, it simply isn't a question for that generation that their peers of either gender can do and be whatever they strive for.

I want to take this time to officially congratulate Dale, as my friend and mentor, for truly making a difference in the lives of all Maine people. Thank you.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to add my congratulations to Dale McCormick. Dale is a constituent of mine and has been a friend for many years.

In addition to the first, and the many public known accomplishments, I can tell you Dale has helped many with their political campaigns. From local state to federal level, Dale is always ready to help. When I decided to run for the Legislature, Dale came to my house and helped me. From her many years of experience with campaigns, she had a number of great suggestions that I used in my campaign.

I have seen Dale with her three lovely children. We have attended a number of fun, basketball games together. I can tell you, she is proud parent and a dedicated parent. Dale, thank you for being a leader and an inspiration to Maine women. I am proud to have you in my district and proud to be a friend.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my pleasure to also add my congratulations to Dale McCormick for her induction into the Women's Hall of Fame. You have heard about her many accomplishments. I am just going to add one more.

What I think Dale offers, is her commitment to advocate for people who have trouble advocating for themselves. That is what I admire most about her. Her compassion for others is an amazing role model for all of us.

In addition to this advocacy, I just want to quickly say that she is always willing to provide advice and support for women who are running for the Legislature. She was an inspiration for me. I applaud her efforts for the State of Maine and congratulate her on an honor that is well deserved.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I wasn't very up to speed this morning. I also wanted to extend my congratulations to Commissioner Laura Fortman, for all of the work that she does.

I also would like to extend my congratulations to Dale McCormick. Dale is probably one of the only state officials I know, that has been in the woods running a delimeter. That was actually quite a fun day. So, I just wanted to say thank you for everything she does here in State Government—and thanks for that one day out in the woods.

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

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**REPORTS OF COMMITTEE**  
**Change of Committee**

Representative KOFFMAN from the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Household Pets and Other Animals from Poisoning"

(H.P. 579) (L.D. 758)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 80) (L.D. 243) Bill "An Act To Establish November as Lung Cancer Awareness Month" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-13)**

(S.P. 86) (L.D. 249) Bill "An Act To Establish May as Missing Persons Month" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-14)**

(S.P. 161) (L.D. 474) Resolve, To Direct the Department of Transportation To Rename State Bridge Number 5278 the Ryan Quirion Guthrie Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-15)**

(H.P. 35) (L.D. 34) Resolve, Regarding Legislative Review of Portions of Chapter 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 647) (L.D. 848) Bill "An Act To Encourage Greater Public Input into the State Environmental Licensing Process" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 668) (L.D. 878) Bill "An Act To Amend the Charter of the Harrison Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 716) (L.D. 941) Bill "An Act To Amend the Charter of the Long Pond Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 135) (L.D. 153) Bill "An Act To Improve the Control and Prevention of Invasive Plant Infestations" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-28)**

(H.P. 213) (L.D. 257) Bill "An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-32)**

(H.P. 332) (L.D. 416) Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

(H.P. 476) (L.D. 627) Bill "An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)**

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

(H.P. 319) (L.D. 403) Bill "An Act To Encourage Municipalities To Abate Coastal Pollution" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-31)**

On motion of Representative PERCY of Phippsburg, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-31)** was **READ** by the Clerk.

Representative PERCY of Phippsburg **PRESENTED House Amendment "A" (H-33) to Committee Amendment "A" (H-31)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice in this amendment, that it speaks of the fact that this act needs to take effect before the mudflats, are again, accessible for the harvest of shellfish—i.e., as you've heard on the weather report, the thaw is beginning. So we need to get this bill signed today, so that everyone can get to work this weekend. Thank you very much, Mr. Speaker.

**House Amendment "A" (H-33) to Committee Amendment "A" (H-31)** was **ADOPTED**.

**Committee Amendment "A" (H-31) as Amended by House Amendment "A" (H-33)** thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-31) as Amended by House Amendment "A" (H-33)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 105) (L.D. 322) Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes (EMERGENCY) (C. "A" S-10)

(S.P. 245) (L.D. 796) Bill "An Act To Create the Endangered or Threatened Marine Species Fund" (C. "A" S-12)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Encourage the Use of Solar Energy"

(S.P. 42) (L.D. 134)

(C. "A" S-11)

**House as Amended**

Bill "An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit"

(H.P. 182) (L.D. 211)

(C. "A" H-26)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House

Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Assist Maine Pharmacies"

(S.P. 450) (L.D. 1287)

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

TABLED - March 20, 2007 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE** and sent for concurrence.

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Bill "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts"

(S.P. 388) (L.D. 1200)

- In House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** on March 13, 2007.

- In Senate, Senate **ADHERED** to its former action whereby the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

TABLED - March 20, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **FURTHER CONSIDERATION**.

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

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Bill "An Act To Provide Oversight for Crematoriums"

(H.P. 907) (L.D. 1289)

- In House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on March 13, 2007.

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

TABLED - March 20, 2007 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **FURTHER CONSIDERATION**.

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

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Bill "An Act To Assist Maine Property Owners of Land near State-owned Railroads"

(H.P. 1037) (L.D. 1475)

(Committee on **INSURANCE AND FINANCIAL SERVICES** suggested)

TABLED - March 20, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act To Provide an Income Tax Credit for Donations to Maine Public Schools"

(H.P. 1042) (L.D. 1480)

(Committee on **TAXATION** suggested)

TABLED - March 20, 2007 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act To Restrict the Time during Which an Airmobile May Be Operated"

(S.P. 523) (L.D. 1496)

- In Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

TABLED - March 20, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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SENATE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

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

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - March 21, 2007 (Till Later Today) by Representative BROWNE of Vassalboro.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a perennial bill before the Legislature, but as you will see, it is gaining momentum around the country. I believe over 25 states currently have a primary seat belt law. Texas, Oklahoma, Mississippi, Alabama, Georgia, the Carolinas. These states, when they passed, went from a secondary to a primary seat belt law, saw a 10 percent increase, simply by that change. That saved a number of lives and saved taxpayers millions of dollars. We are going to talk a little bit about that today.

I wish I could convey to you—like many of us before our Committees, we hear hours, and hours of very compelling testimony. That it is our job to come here and try to convey that to our colleagues. It is difficult to take those testimonies from those medical professionals, LifeFlight of Maine, ER doctors. They can talk about that real personal experience that they have had. They can talk about the lives and families who were killed.

The Maine CDC said that in 2005, in their testimony, more Mainers died from car accidents than HIV, meningitis, hepatitis, tuberculosis, skin caners, cervical cancers, homicide, and snowmobile accidents, combined. Car crashes are the leading cause of death among all causes of death, and among Maine young people 15 to 35.

Today in Maine, we can expect 94 car accidents on our roads. We can expect three people to be rushed to the hospital after an accident, who are seriously injured enough to be hospitalized. And today or tomorrow, we can expect one Mainer

to die on our roads. So, this is an issue that we see perpetually on the news or in the paper, or we hear about it through personal experiences.

In Maine, on Maine roads in 2006, 150 people died while riding in motor vehicles. Of those 150, 55 of those were not wearing seat belts. In 2006, of the 46 young Maine people who have died in car accidents, only 13 of them were wearing safety belts. If you remember this summer, I believe, the *Portland Press Herald* had a fairly large, extensive ongoing series talking about the loss of how many young people we are losing in the State of Maine. They focused primarily around the vehicular accidents.

If Maine was to enact a primary seat belt law, we would save approximately 10 lives and 155 serious injuries every year. A primary seat belt law would also save about \$33 million in associated costs each year. So there is the personal issue, the life saving issue, and then there is the economic issue. We have talked a lot and we are talking a lot about our budget right now, and how can we save the state taxpayers money.

The ER doctors I just talked about—of the 115 unbelted Mainers who came to Eastern Maine Medical Center, their total medical costs are about \$6.8 million. The difference between a person who is belted and a person who is unbelted that is in an accident, a patient I should say, is \$59,000 for the patient who is unbelted, on average. The person who is belted, the cost is about \$34,000. They showed us one bill which was staggering. It was for \$937,000. This person was unfortunately ejected from the vehicle, spent 77 days in the hospital, and eventually died. But these costs are going to all taxpayers. About a quarter of these accidents are paid for by either Medicaid or Medicare.

So, we are talking about life savings and we are talking about economic savings. I hope you will support the passage of this. This came from our colleagues down the hall, 20–4, Ought to Pass. And just yesterday, I believe, or this past week, the New Hampshire Legislature voted out a Committee 8–7, support for a primary seat belt law. That is a state that has had no seat belt law, and they are already looking towards going to a primary seat belt law. This saves lives. It saves money. I think it is good legislation. I hope that you will support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do agree with the good Representative from Portland, Representative Marley, on all of his statistics and everything he had to say.

The seat belt law is the only secondary motor vehicle law in Maine. This means that police officers can pull someone over for a broken taillight, but they cannot pull someone over for failing to use the most important piece of safety equipment in their car, the seat belt. We heard testimony in our Committee from all of the major hospitals, doctors and nurses. They impressed us so much, it was a 10–3 vote. Ten of our people in Committee did understand and have come to the realization that this is a necessary law.

One of the other telling testimonies that occurred in our Committee was from the LifeFlight of Maine. These are people that fly in for emergency potential problems. They tell us that 62 percent of the patients LifeFlight sees, have suffered potentially life-taking injuries. Eighty-six percent of those patients are injured in motor vehicle crashes. The most grievously injured patients we encountered generally have suffered severe brain and multiple system traumas. A leading precursor for these devastating injuries is the ejection from a vehicle, of being subjected essentially to what they call a "clothes dryer" type phenomenon. That is, being bounced around in a car.

There needs to be nothing more said, as far as I am concerned. Too often, this bill and a few others, it is more of a personal, self-serving type approach. We have to think of the whole state, especially of our young. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is something that I would like to know. When did we become everyone's mother? Once we force everyone to wear their seat belt, what is next? Do we outlaw Quarter Pounders? Do we tax Twinkies? Mr. Speaker, when the vote is taken, I request a roll call.

Representative THOMAS of Ripley **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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 Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The arguments, the logic, and the statistics that suggest we should do this, are compelling. There is no doubt about that. I am inclined, very reluctantly, to support this effort, but I do have questions.

My questions—I apologize for asking them here and not prior; I was not able to attend the multiple caucuses that we had around this because I was in Committee. How do we enforce such a thing? How do we prevent this from being used for unreasonable searches, which you all know is a Constitutional protection? Not just from the State of Maine, but from the United States, as well. That is one of the obstacles I face.

Again, I repeat, the arguments are compelling that we should do this. But those are my concerns. If someone can speak to them, I would appreciate it. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Berwick, Representative Burns has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will do my best to answer the good Representative's question. If I may, I would just like to try to respond to the good Representative from Ripley, Representative Thomas.

You are saying, talking about—I heard a "nanny state" and those other phraseologies, as far as—and throw in, why don't we ban smoking everywhere, and I think Twinkies was used. I think if you look at those—and I had not prepared this response—but those are things that take a lifetime. They take years and years. This is truly a decision that people make that can instantaneously change your life, or end your life—and cost taxpayers millions of dollars.

I had a statistic—and I apologize, I have piles of paper here with statistics on this—I believe, for a seriously injured individual. It is over \$1 million is health care costs that it takes, on average, to mitigate their injuries. So, if we are talking about when did the state become a parent? Well, my parents always said, "As long as I'm paying for you, I've got a say so." We are paying for you. If you do not use these seat belts, like it or not.

As far as the good Representative—his question around the civil liberties question. I have, once again, reams of paper to address that on. But I think one of the first pieces is—and the Representative from Old Orchard, Representative Hogan, talked about this—this is the only secondary law that we currently have. So, as an officer, they can pull you over for literally driving to

close to the line. They can say you are driving erratically. Your headlights are not on.

There is actually a law—if you know it or not, because I see a lot of people not doing it—is if your wipers are on, your lights are supposed to be on. They could pull you over for that. I personally think that, just like this Legislature, 99 percent of the people who are doing their jobs as law enforcement officers, are not out there trying to pull people over for the wrong reasons. If they are, they will fine you and get you for any other reason.

Currently, the law is you are to wear your seat belt—it is how we enforce it, which is what we are talking about. The irony here is the people who are concerned about increased exposure to the public to be pulled over—in California, when they imposed this law in 1993—it is beginning to scare me that I can remember all the statistics off the top of my head—their seat belt usage increased dramatically. The first year that it went into effect, in 1994, there was a small blip of additional citations. Then it started to drop steadily, as far as the number of citations. It has dropped from 500,000 in 1992, to below 200,000 in 2005. So fewer people are being pulled over, more lives are being saved, and more money saved for the taxpayers from medical issues.

I think the civil liberties argument, while I am concerned about it as well, I think that there is enough room out there that if people want to use it for unreasonable search and seizure, unfortunately that discretion is already out there. We are really talking about the seat belt law and how it is enforced. I just have not heard statistics, as being misused here in the State of Maine. So, I hope that I have answered your question.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was one of the three people in Committee to oppose this bill, and I am going to tell you why. Before I start that, I just would like to turn the attention of the House to the two handouts that I distributed this morning. A salmon colored one and a light blue one.

The salmon colored handout, I received from the Maine Civil Liberties Union. An area that I had not thought of before, but they brought to my attention recently, was that LD 24 will lead to a racial profiling. What it does is it gives the law enforcement officers in this state, an opportunity to pull over anybody that they feel like pulling over, and say that they would like to pull them over for seat belt violations. I think that this opens us up to more of a police oriented state. I think it violates the spirit of the Fourth Amendment. I would also like you to take a look at the blue sheet that I handed out. There are nine reasons listed there, why this LD 24 is not a good thing.

I would also like to point out that during the 122nd Legislature, when we were discussing this as a secondary offense, we were told that we would never have to face this primary offense. That they would get their secondary offense and nobody would push for it to be a primary offense. Well, here we are a year and an half later, and here it is being spoken as a primary offense—talk about incrementalism. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, rise to support this seat belt law. I offer you just a little test to take, to find out whether or not you think it is worth it.

I would like you to, at your own leisure, go outside in the hall, put your arms behind your back and walk into the wall, face first. If that does not hurt, then you do not have to wear a seat belt. But if you think it might break your nose, imagine your face hitting

the steering wheel at 40 or 50 mph. So, take that little test and see you if you pass it. That is all I can say.

I know when I was a youngster, I was in a car accident. I was below the legal age of driving. I was driving the car. When I finally woke up, I went and looked at the automobile. The steering column of a great big, old, 1954 Buick station wagon, with my weight behind it, actually had bent right up to the ceiling. So yes—it can do damage. Thank goodness, I am still here. But with the luck of God, I could have not been here.

So I speak from, not only what I have read in statistics, but from personal knowledge that in those days, you did not have to wear seat belts. I survived—thank goodness—but other people are not quite as lucky. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 24 is a bill that's time has come. We have for many years in the State of Maine, operated with a secondary law on seat belt use. We have not been that kind or considerate when it comes to the safety of our children and infringing on their civil liberty rights. We mandated, and we also enforced, the fact that children under 4 in a certain weight will be strapped into child safety seats. Periodically, there are grants that come down for the State Police and all municipal departments to enforce this, and stop and check that the child's car seat is in fact installed correctly.

I want to jump through and put you through another scenario on this. The child is in the back seat. You are in an accident. The child is strapped in. You are not. You are dead. Who brings up that child? When you have a child and you take on that commitment, you agree to bring that child up and protect that child until it reaches adulthood. If you put yourself in danger, that is so simple to prevent—snap the seat belt—are you doing an injustice to your children? Is that child endangerment? Maybe it could be classified as that.

In an ideal world under ideal circumstances, no Legislature would ever, ever have to legislate what is and should be common sense for everybody. But unfortunately, the people in the State of Maine have proven that common sense is not prevalent in their thinking—they get in the car and do not fasten that seat belt and they drive down the road. So, maybe it is time we stepped in and played "nanny" to everybody that does not have enough common sense to protect themselves, to be around to raise their children.

We can all relate to horror stories. I have them. Everyone in this room has them about automobile accidents. I was involved in an accident, 35 years ago, no probably 40 years ago now, where the driver of the car that I was in, took his eyes off the road for a minute and hit a parked vehicle. I went up under the dashboard, broke the tibia bone in my leg in eight different places, and was in hip wide cast for 10 months. Not fun. Was it preventable? You bet. Had I had the seat belt on, I would have remained in the seat and gotten out of there with no problems at all.

Ladies and Gentlemen, we have an obligation to the people in this state that look to us as parents, as grandparents, as foster parents, as guardians, to make sure that we are going to do our utmost—when we get in that vehicle and we take to Maine roads, that we are going to come back as safe as we can. It does not hurt. In fact, it is sort of, kind of, a relief when you are driving down the road and you know that seat belt is on.

Ladies and Gentlemen, it is time this was a primary law. I ask for your vote on this because your children, your grandchildren, your wife, your husband, your mother—all of your dear family members want you to come home safe. They do not want you in body bag. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sure that I am not going to change anybody's mind. Everyone has feelings. Some perceive problems with it—and I agree—just a couple of facts.

First of all, we know that seat belts save lives. We heard from the LifeFlight people. We heard from the ambulance drivers. We heard from the Department of Public Safety. That is pretty much an agreed upon feature.

Secondly, we do have a secondary seat belt law now. It has a certain fine structure associated with it. This would make it a primary. There would be an opportunity for abuse from our law enforcement officials. I do not particularly share that hysteria, but a lot of people do, so there is that possibility. Unfortunately, some of these people are the same ones that have the bumper sticker that says, "Troopers Care".

Finally, I just think that you have to weigh the pluses and minuses. Is it worth it that we are going to get \$3.7 million from the Federal Government, which may or may not be an incentive? Of that, \$1 million does have to go for safety education. But again, it is obviously up to the individual, to make your choice if you think it is for better or for worse. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lee, Representative McLeod.

Representative **McLEOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to request through the Chair, if I may, to anybody that may wish to answer it. I would like to know, how would this bill impact vehicles that were made prior to seat belts having been invented?

The SPEAKER: The Representative from Lee, Representative McLeod has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In the interest of temporarily considering Supplement No. 6, and hopefully to resume this debate and answer the question, I move that this item be tabled.

On motion of Representative FAIRCLOTH of Bangor, **TABLED** pending the motion of Representative MARLEY of Portland to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

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**ENACTORS**  
**Emergency Measure**

An Act To Encourage Municipalities To Abate Coastal Pollution

(H.P. 319) (L.D. 403)  
(H. "A" H-33 to C. "A" H-31)

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

Representative TARDY of Newport **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: 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. 9**

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

NAY - NONE.

ABSENT - Barstow, Connor, Duprey, Fitts, Harlow, Lansley, Marley, Moore, Muse, Pendleton, Rosen, Sykes, Valentino, Watson.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

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

Which was **TABLED** by Representative FAIRCLOTH of Bangor pending the motion of Representative MARLEY of Portland to **ACCEPT** the Majority **Ought to Pass** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to rise to speak in support of this motion and remind us all that is already illegal to not wear a seat belt.

I would like you to know that my husband is a physician, whose specialty is in Emergency Medicine, and also runs something called the Critical Care Training Institute of Maine. He teaches the LifeFlight paramedics about difficult airways. He also works with mostly emergency people around the state and how to deal with, in particular, these kinds of traumatic accidents.

I do have favor for those emergency folks. They are there to save your lives. But when you are not wearing a seat belt, the odds are a lot worse, it is a lot bloodier, and it is a lot worse. There is nothing like a failed attempt by an emergency provider to save somebody who was injured because they were not taking safety precautions. It makes me feel like we ought to do everything we can to help it.

I do not think it is truly an economic issue, but I will say that in my opinion, my civil liberties stop when you start paying for it. I thank you and I hope you support the motion.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am so glad that Representative Blanchette had her seat belt on because it gives me the pleasure of sitting beside her, on Legal and Veterans Affairs.

I too, was involved in a very serious accident, in 1987, and had I not had my seat belt on, I would not be with you here today. However, I had my seat belt on because it was my free choice, in a free country known as the United States of America. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to preface the remarks that I want to make, by telling you that I always wear my seat belt.

I have worn my seat belt since the widow of a gentlemen friend of mine was killed by a runaway truck that lost some logs on 495. He was the only one in the car that was not belted in, and he was killed when he was thrown from the vehicle. His wife and two daughters, however, were belted in and one suffered a scratch.

So since that day, at the funeral that I attended, when Jane looked us all in the eye and said, "Please, when you leave here, wear your seat belts. Always wear your seat belts." Not the story that I want to tell you. We all have horror stories about all of the things that have happened to people, and those who have been saved by wearing their seat belts.

I wanted you to know that on February 3, 1972, I was involved in an automobile accident when the only vehicle I have ever owned brand new, took a slide in a blizzard condition on I-95, rolled over down in the embankment and landed on the roof. But for the fact that I was not wearing a seat belt, I would have been decapitated, and I would not be here.

So I think we need to understand: you give a little and you get a little. In this country, I believe in personal freedoms, despite the fact that I could have and would have been killed. I still suffer a lot of things that are an end result of that accident, but it did not put me down, it did not put me under. It was my lucky day. I was not meant to go. There is a day that we are all meant to go, with or without a seat belt on. I think personal freedoms are more important here than they seem to be here to the people in this body.

The **SPEAKER**: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is hard to pass an emotional argument about these, about the fact that people have incredible stories, sometimes in both directions. These Committee testimonies are just incredible. But this may be the last place where we stand up for some of our rights, here at the state level. I think we have to do that. Let's put a stop to finding all kinds of way to eliminate our freedoms because we are guarding them.

I am going to go skiing in the next couple of days and go, hopefully, more than 50 mph down the hill, with no seat belt, no airbag, or anything else. So, is that recklessly irresponsible, if the chance of crashing creates an economic burden on the rest of the folks in the state? I do not think they are going to go down that slope right now.

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

Representative **HOLMAN**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **HOLMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is a technical one and it is to better understand what the implications will be if this law passes. On the next regarding insurance, I conferred with my colleague, Representative Brautigam about this. We went to the Insurance lobby and asked him this question and really did not get an answer.

So, if anybody in this body knows the answer—what would the insurance implications be if this was made a primary offense? If it does not affect the underwriting in any way, would it affect people's ability to access their benefits? Thank you.

The **SPEAKER**: The Representative from Fayette, Representative Holman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My guess is that somewhere down the road, it will really affect the rates, the way the policies are written.

My other issue with it is how are we to identify if a seat belt was hitched or not hitched once the cars go by? Sometimes it is awfully hard to tell.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Now we have heard a lot of reasons, many of them abstract for voting in support or opposition of this bill. I would like to add my personal story to this.

A number of years ago—many, many, years ago when I was in high school—my best friend lost her mother in an accident because her mother was not wearing a seat belt. My friend Emily insisted that nobody ride in her car unless they wore a seat belt. I was so petrified that I kept telling my parents constantly that they had to wear their seat belts when they drove. My dad, who was very much a believer in free will, felt that he did not need to do that because he was a good driver.

To make a long story short, on September 25, 1980, my father fainted and hit the back of a bus. He was not wearing a seat belt and was killed almost instantly. My mother, who was in the car, was thrown through the window. She was thrown sideways because she had turned towards my father, apparently. If my dad had been wearing his seat belt, and my mother had been wearing her seat belt, my dad would have survived that crash and my mother would have been much healthier than she is today, which is the tender age of 96. So it is very true, as the Representative from York said: Sometimes a seat belt can prohibit someone from being thrown in a crash.

However, I believe, the statistics show that it is much more likely that a person will be seriously injured if they are not wearing a seat belt. So I encourage you to support this LD 24, to make it a primary offense. I wish it had been that way back in 1980, because my dad would have been wearing his seat belt to not break the law. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is tough to follow a story like that. I feel it is obviously unfortunate when an accident occurs and we did not have the proper safety equipment in place. My problem is that all of our compromises, our liberties,

and freedom, come because of the compelling, noble purpose of the common good.

Our liberties, our freedoms, cost us money sometimes. They are inefficient, often. Sometimes they cost us lives. I do not think that this measure is the most critical one, as civil liberties measure. I do not think our freedom hangs in the bows of this one. But I think that each one needs to be scrutinized carefully. I am concerned, particularly, when where we go is regulating somebody, controlling somebody against the actions of themselves.

One justification I find troubling, that is that there are other measures that allow arbitrary conduct by an officer of the law. I also agree with the vast majority—99 percent someone said—99 percent are doing their job very effectively and well on our behalf. I think what we are talking about, is always the possibility that it is not done right in some instances, and who does that fall on?

In this case, I think that we should be debating whether or not it is appropriate that we can be pulled over because our headlights are not on when our windshield wipers are on. We should be debating whether or not it is appropriate to be pulled over because there is a crack on the reflector in the back of the car. I am not so sure that just because those are allowed, that is justification for this measure and I will be voting Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have no great stories about how my life was saved with a seat belt. Rather, I had an accident with no seat belt and was not injured at all. But that did not mean it was right or wrong. I will vote for this enforcement of the seat belt because it is against the law.

If it is against our rights and all of this stuff—we do it all of the time with smoking. You cannot smoke in a bar. You cannot smoke in some restaurants. So, I think, if this is a safety issue, then we should enforce it and make it as safe as we can, and give the policemen a chance to enforce it and save our lives despite of ourselves.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have not answered some of the questions either. I was asking for information or I was trying to let a couple of these build up, so that I would be able to answer them and not extend the debate.

The good Representative asked about the vehicle—if a seat belt would be required in an older vehicle. My understanding is that if it is not original equipment at the time of the manufacturing, that it would not be required in inspection. It would be exempt from this.

The good Representative from Portland, Representative Hinck, and several others, have talked about civil liberties. One in particular: I think the Representative from Berwick, Representative Burns, talked about racial profiling. I was given a synopsis of a study called *Minorities in Primary Versus Secondary Seat Belt Enforcement*. It actually said the results of a before and after comparison in states that upgrade to primary enforcement, indicated that for minorities, primary enforcement is associated with higher belt use and proportionally equal to fewer citations. Specifically in Louisiana, black ticketing actually went down as a percentage of all citations issued, following the implementation of primary enforcement.

Then, the third bullet says, secondary seat belt laws as contrasted with primary were originally adopted to limit the authority of the policeman stopping motor vehicles. The

secondary solution, however, created a nonstandard of potentially higher discretionary type of law. The belt law violation of an add-on, after police stopped a driver for some other violation, when secondary enforcement was replaced by primary enforcement, the percentage of all citations that are issued to minorities either decreased or remained the same.

The final thing we are talking about is civil liberties. I should have the right when I am in that car and the government is not in there with me. But if I am in there and I am with four other people—three of them are belted and I am not belted—I am looking at my civil liberties, but I have just become a projectile if I am in an accident.

When we did have the seat belt debate on the child safety seat, the saddest testimony I heard—and this is emotional, but this is where these things converge—was an Emergency Room attendant talking about a woman who put her child in the child safety seat. She did not buckle herself up because it was not the law, even though it is—actually, it is just that you cannot be enforced unless you are pulled over for another reason—was in an accident and was thrown into that child. I do not recall if that child was just seriously injured or killed. But where does that one person's freedom converge with the other person that is injured?

I do think that we have to weigh safety and personal liberties—and then the financial cost to all of us, when we are discussing this debate. I appreciate the level of this debate. I disagree, obviously, with the opponents. I think that they are sincere in their beliefs, but I truly believe this is good and needed legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to try to change anybody's mind. Everybody pretty well has their views and they have been well expressed. I just wanted to give you a little bit of my own background on this particular issue.

I served 18 years on an ambulance. I have to tell you that anybody who does not wear a seat belt, is not using very much common sense. When I get into my automobile, I do not move 10 feet, without putting my seat belt on. It is just good common sense. Seat belts do save lives.

My mother-in-law, back in the late 60's, was killed in a motor vehicle accident because she did not have her seat belt on. But the primary reason she was killed, was she was hit by a drunk driver. That to me, is a far, far more serious problem that we need to deal with in this state.

Trying to legislate behavior and common sense, to me, does not make a lot of sense. I am going to be voting in opposition to the measure before the House today. I really would love to see everybody buckle up, but I do not believe it is up to us to legislate common sense. That is really what we are trying to do: legislate common sense. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that this bill is about dollars and sense. Some people have no sense and it costs the rest of us a whole lot of dollars.

People with traumatic brain injuries spend months and months in rehab and sometimes live out for many years, sometimes decades, in nursing homes on Medicaid, costing the taxpayer fortunes. People of the state are tired of paying for someone else's irresponsible behavior. I will be supporting the pending motion. We should all start wearing our seat belts. I know I never start my car without my seat belt already on.



The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I happen to have a constituent who is the Director of the Safety Office at Maine DOT. Writing me from home in his capacity as a constituent, he wanted to express to me his very energetic support for this legislation, and for the 10 members that have voted with the majority on the Committee.

I want to share with you one of his arguments for it. I want you to know that in sharing this, I am very supportive of most of things that Maine Civil Liberties Union stands for. I am cosponsoring another bill with them, but I think he makes a legitimate point. Perhaps Maine Civil Liberties Union could work on this with others who have expressed their libertarian concerns around this issue. "Those who currently do not wear a safety belt might do well to sign a waiver, that would prevent the rest of us from having to pay their medical services, to pay the childcare, if they die and their kid is not belted up."

We heard the figure cited earlier—\$30 million or so—\$30 million plus, I think it was, a year that we are estimated to be paying now, that we could save. The research is clear: When it becomes a primary offense, your incidents of seat belt wearing goes up by about 10 percent

I think he makes a good point. He sees every day in his office, at the Safety Office at Maine DOT, the consequences of the regulations that Maine currently does not have. So many other states do. That is why I will be supporting this, I think a very appropriate bill, which is about public safety over and above civil liberties. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with everything that my seatmate said, except one thing—he said he did not want to legislate for people that do not have common sense. But if they do not have the common sense, then I think that we better legislate for them. Thank you.

The SPEAKER: A roll call having previously been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 10**

YEA - Adams, Babbidge, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Fletcher, Flood, Gerzofsky, Giles, Grose, Harlow, Haskell, Hayes, Hill, Hogan, Koffman, Makas, Marley, Mazurek, Miller, Mills, Patrick, Peoples, Percy, Pieh, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Treat, Trinward, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Cebra, Chase, Clark, Cleary, Cotta, Cray, Cressey, Crosthwaite, Curtis, Edgecomb, Farrington, Finch, Finley, Fischer, Gifford, Gould, Greeley, Hamper, Hanley S, Hinck, Holman, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Miramant, Nass, Norton, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson E, Richardson W, Robinson, Samson, Saviello, Schatz, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Walcott, Walker, Weaver, Weddell.

ABSENT - Barstow, Connor, Duprey, Emery, Fisher, Fitts, Lansley, Moore, Muse, Pendleton, Perry, Rines, Rosen, Sykes. Yes, 67; No, 70; Absent, 14; Excused, 0.

67 having voted in the affirmative and 70 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative CEBRA of Naples, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-27)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury"

(H.P. 88) (L.D. 96)

TABLED - March 21, 2007 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to rise in support of the pending motion. This piece of legislation was brought forward in a request by a constituent in my area. There were three incidents in my district within a two-year period that I feel dictated this type of legislation. The legislation really does one thing in terms of adding to what exists in statute.

Right now, in a fatal accident or an accident where a fatality is likely to occur, then a drug alcohol test or a blood alcohol test is required. This piece of legislation would add, "Substantial body injury" to that statute. That is defined in statute as "Substantial", meaning "Substantial risk of death, impairment of bodily functions, permanent disfigurement, or extensive convalescence." So this is the criteria that would be used.

In the hearing itself, the State Police and the Secretary of State's Office, once the bill was amended, felt that they had no problem with it, that it would increase a number of incidences of testing to somewhere between 800 and 900. They felt this was workable. The District Attorney from Kennebec County, who was there neither to support nor oppose, said that once that amendment was placed on it that he would have supported it.

There is a need since the time of submitting the legislation. I have gotten a number of reports from other areas where people feel that adding this would be a plus, in terms of public safety and protection of victims. So, I hope you would indeed support this Minority Report as well. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **OUGHT TO PASS as Amended** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to

Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 11**

YEA - Adams, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Cain, Canavan, Casavant, Cleary, Conover, Craven, Crockett, Dill, Dunn, Eaton, Eberle, Faircloth, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Hogan, Kaenrath, Knight, Koffman, MacDonald, Makas, Marley, Mazurek, Miramant, Norton, Percy, Perry, Pineau, Pingree, Piotti, Priest, Rines, Savage, Schatz, Simpson, Sirois, Theriault, Trinward, Tuttle, Walcott, Watson, Webster, Weddell.

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Bliss, Browne W, Bryant, Burns, Campbell, Carter, Cebra, Chase, Clark, Cotta, Cray, Cressey, Crosthwaite, Curtis, Driscoll, Duchesne, Edgcomb, Emery, Farrington, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Haskell, Hayes, Hill, Hinck, Holman, Hotham, Jackson, Jacobsen, Joy, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Nass, Patrick, Peoples, Pieh, Pilon, Pinkham, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson E, Richardson W, Robinson, Samson, Saviello, Silsby, Smith N, Strang Burgess, Sutherland, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Valentino, Vaughan, Wagner, Walker, Weaver, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Connor, Duprey, Fitts, Lansley, Moore, Muse, Pendleton, Rosen, Sykes.

Yes, 53; No, 88; Absent, 10; Excused, 0.

53 having voted in the affirmative and 88 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative HASKELL of Portland, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

**SENATE PAPERS**

The following Joint Order: (S.P. 582)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 27, 2007, at 10:00 in the morning.

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

Bill "An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods"

(S.P. 578) (L.D. 1673)

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 Authorize a General Fund Bond Issue for Riverfront Community Development"

(S.P. 583) (L.D. 1677)

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 Preserve and Grow Maine Jobs"

(S.P. 587) (L.D. 1681)

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 Amend the Habitual Offender and Felony Operating Under the Influence Laws"

(S.P. 579) (L.D. 1674)

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 Ensure the Effective Management of the Behavioral Health Care Services System in Maine" (EMERGENCY)

(S.P. 581) (L.D. 1676)

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 Relating to Retirement and Death Benefits for Certain Law Enforcement Officers"

(S.P. 577) (L.D. 1672)

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 Change and Clarify the Maine Clean Election Laws"

(S.P. 585) (L.D. 1679)

Bill "An Act To Reform and Simplify the Clean Election Process"

(S.P. 586) (L.D. 1680)

Bill "An Act To Improve Maine's Clean Election Law"

(S.P. 588) (L.D. 1682)

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 Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws"

(S.P. 584) (L.D. 1678)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Protect Network Neutrality"

(S.P. 580) (L.D. 1675)

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.

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The following Joint Resolution: (S.P. 590)

**JOINT RESOLUTION CELEBRATING MARCH 25, 2007 AS THE 186TH ANNIVERSARY OF GREEK INDEPENDENCE DAY**

WHEREAS, on March 25, 1821, on the Feast Day of the Annunciation, the Greek nation began a war of independence and overthrew the Ottoman Empire which had oppressed and enslaved its people since the fall of Constantinople in 1453, and by this war reinstated a democracy, reclaiming its ancient heritage as the "Cradle of Democracy"; and

WHEREAS, it was the genius of Greece which first ignited the flame of freedom in the 6th and 5th centuries B.C., when Athens introduced the idea of direct representative government to the world, and ushering in a golden age of art, architecture, philosophy and drama under such giants of Western history as Pericles, Sophocles, Euripedes, Socrates and Plato; and

WHEREAS, Philip of Macedonia, his son Alexander the Great and Alexander's tutor, the noted philosopher Aristotle, were born and raised in the northern province of Greece, Macedonia, and the language and culture of the ancient Macedonians and the ancestors of the inhabitants of northern Greece today were Hellenic; and

WHEREAS, the Founding Fathers of the United States of America drew extensively from the political experience and philosophy of ancient Greece in forming our representative democracy, and people from all over the world have emulated the Greeks in art, culture and politics; and

WHEREAS, modern-day Greece is a valuable and trusted ally of the United States, and is one of only 3 nations in the world outside of the former British Empire that has joined the United States in every major international conflict in the last 100 years; and

WHEREAS, it is proper and fitting that the United States celebrate with the Greek people and reaffirm the democratic principles from which our 2 great nations were born; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to celebrate March 25, 2007 as the 186th Anniversary of Greek Independence, and we reaffirm Maine's abiding commitment to the principles of democracy and religious freedom; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Archbishop Demetrios of the Greek Orthodox Archdiocese of America and to the Greek Embassy in Washington, D.C.

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

**READ** and **ADOPTED** in concurrence.

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**UNFINISHED BUSINESS**

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

Bill "An Act To Provide Oversight for Crematoriums"

(H.P. 907) (L.D. 1289)

- In House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on March 13, 2007.

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

TABLED - March 20, 2007 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **FURTHER CONSIDERATION**.

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

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On the record, in yesterday's session on LD 224, Roll Call No. 8, I would like the record to reflect that I would have voted Yea on that roll call. Thank you.

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

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On motion of Representative AYOTTE of Caswell, the House adjourned at 12:10 p.m., until 10:00 a.m., Tuesday, March 27, 2007 pursuant to the Joint Order (S.P. 582) and in honor and lasting tribute to the Reverend Robert McDonald, SM, of Van Buren.