

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
24th Legislative Day
Thursday, March 29, 2007

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

Prayer by Sister Aline Roy, Sisters of St. Joseph, Winslow.
Pledge of Allegiance.

The Journal of Tuesday, March 27, 2007 was read and approved.

SENATE PAPERS

Bill "An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care"
(S.P. 594) (L.D. 1687)

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Promote New Electrical Generation in Maine"
(S.P. 623) (L.D. 1755)

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

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Term Limitation Laws for State Legislators"
(H.P. 1075) (L.D. 1550)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on March 20, 2007.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.P. 622)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 22, 2007

Sen. Ethan Strimling

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

123rd Legislature

Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated George Burgoyne of Bangor for appointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 M.R.S.A. Section 17102, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Fund Pesticide Education in the State"

(H.P. 1252) (L.D. 1798)

Sponsored by Representative BLANCHARD of Old Town.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: CAIN of Orono, CLARK of Millinocket, MAZUREK of Rockland, MILLER of Somerville, PIEH of Bremen, PIOTTI of Unity, SCHATZ of Blue Hill, TARDY of Newport, THERIAULT of Madawaska.

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

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets"

(H.P. 1240) (L.D. 1773)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BRAUTIGAM of Falmouth, EMERY of Cutler, FAIRCLOTH of Bangor, PERRY of Calais, TUTTLE of Sanford, Senators: BOWMAN of York, RAYE of Washington, STRIMLING of Cumberland.

Bill "An Act To Amend the Licensing of Landscape Architects"

(H.P. 1249) (L.D. 1787)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Representatives: BEAUDETTE of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, MacDONALD of Boothbay, PRESCOTT of Topsham, SILSBY of Augusta, WEBSTER of Freeport, Senator: SCHNEIDER of Penobscot.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12"

(H.P. 1247) (L.D. 1785)

Sponsored by Representative NORTON of Bangor.

Cosponsored by Senator BOWMAN of York and Representatives: BLANCHETTE of Bangor, BRYANT of Windham, GROSE of Woolwich, MAKAS of Lewiston, MUSE of Fryeburg, SILSBY of Augusta, SUTHERLAND of Chapman.

HEALTH AND HUMAN SERVICES

Bill "An Act To Ensure Safe Drinking Water from Private Wells"

(H.P. 1242) (L.D. 1775)

Sponsored by Representative MOORE of Standish.

Cosponsored by Senator McCORMICK of Kennebec and Senator: RAYE of Washington.

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

Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language

(H.P. 1238) (L.D. 1780)

Sponsored by Representative WEBSTER of Freeport.
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAMPBELL of Newfield, CROSTHWAITE of Ellsworth, LEWIN of Eliot, MILLER of Somerville, PERRY of Calais, WALCOTT of Lewiston, Senators: RAYE of Washington, ROSEN of Hancock.

Bill "An Act To Prevent Duplication in Certification of Medical Facilities"

(H.P. 1243) (L.D. 1781)

Sponsored by Representative MILLS of Farmington.

Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries

(H.P. 1244) (L.D. 1782)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: MILLS of Farmington, PINGREE of North Haven, ROBINSON of Raymond, WEBSTER of Freeport.

Bill "An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses"

(H.P. 1248) (L.D. 1786)

Sponsored by Representative MILLER of Somerville.

Cosponsored by President EDMONDS of Cumberland and Representatives: BEAUDOIN of Biddeford, GERZOFKY of Brunswick, GROSE of Woolwich, HASKELL of Portland, HAYES of Buckfield, PERRY of Calais, WALKER of Lincolnville.

Bill "An Act To Fund Maine's HealthInfoNet Program"

(H.P. 1251) (L.D. 1797)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator TURNER of Cumberland and Representatives: CAIN of Orono, CAMPBELL of Newfield, FISCHER of Presque Isle, LEWIN of Eliot, MILLER of Somerville, PERRY of Calais, WALKER of Lincolnville, WEBSTER of Freeport.

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

Bill "An Act To Amend Licensing and Certification Requirements" (EMERGENCY)

(H.P. 1254) (L.D. 1800)

Sponsored by Representative LEWIN of Eliot.

Cosponsored by Senator RAYE of Washington and Representatives: CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, PERRY of Calais, PINGREE of North Haven, WALKER of Lincolnville, Senators: MARRACHÉ of Kennebec, ROSEN of Hancock, WESTON of Waldo.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Provide Greater Information Pertaining to the Health of Maine Children"

(H.P. 1241) (L.D. 1774)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CONNOR of Kennebec, FINLEY of Skowhegan, MILLER of Somerville, PERRY of Calais, PINGREE of North Haven, PRESCOTT of Topsham, WALCOTT of Lewiston.

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

On motion of Representative FINLEY of Skowhegan, **TABLED** pending **REFERENCE** and later today assigned.

JUDICIARY

Bill "An Act To Authorize the Use of Parenting Coordinators in Maine"

(H.P. 1237) (L.D. 1771)

Sponsored by Representative HAYES of Buckfield.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Require Photographic Identification in Order To Register To Vote" (EMERGENCY)

(H.P. 1245) (L.D. 1783)

Sponsored by Representative PRESCOTT of Topsham.

Cosponsored by Senator BENOIT of Sagadahoc and Representatives: AUSTIN of Gray, BEAUDOIN of Biddeford, CONNOR of Kennebec, CRAY of Palmyra, GOULD of South Berwick, MILLER of Somerville, ROSEN of Bucksport, Senator: ROSEN of Hancock.

Bill "An Act To Establish Open Ballot Voting in Maine"

(H.P. 1253) (L.D. 1799)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by President EDMONDS of Cumberland and Representatives: CAIN of Orono, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PATRICK of Rumford, TRINWARD of Waterville, TUTTLE of Sanford, Senators: MITCHELL of Kennebec, STRIMLING of Cumberland.

TAXATION

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases

(H.P. 1236) (L.D. 1770)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representative: FLETCHER of Winslow.

Bill "An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs"

(H.P. 1239) (L.D. 1772)

Sponsored by Representative MAREAN of Hollis.

Cosponsored by Senator RAYE of Washington and Representatives: CLARK of Millinocket, CRAY of Palmyra, GIFFORD of Lincoln, GOULD of South Berwick, HOTHAM of Dixfield, MOORE of Standish, PIOTTI of Unity.

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

Bill "An Act To Authorize Municipal Property Tax Deferral Programs"

(H.P. 1246) (L.D. 1784)

Sponsored by Representative BRAUTIGAM of Falmouth.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, HARLOW of Portland, MARLEY of Portland.

Bill "An Act To Equalize Tax Filing Status"

(H.P. 1250) (L.D. 1788)

Sponsored by Representative WOODBURY of Yarmouth.

Cosponsored by President EDMONDS of Cumberland and Representatives: CHASE of Wells, Speaker CUMMINGS of Portland, WATSON of Bath, Senators: DAMON of Hancock, PERRY of Penobscot, RAYE of Washington, ROSEN of Hancock, TURNER of Cumberland.

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1234) (L.D. 1768)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Marine Resources

Representative PERCY for the **Department of Marine Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

(H.P. 1235) (L.D. 1769)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1233)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall submit, to the House, legislation on tax reform.

READ and **PASSED**.

Sent for concurrence.

On motion of Representative BARSTOW of Gorham, the following Joint Order: (H.P. 1255)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government may report out, to the House, a bill to repeal inactive boards and commissions pursuant to the Maine Revised Statutes, Title 5, section 12006.

READ and **PASSED**.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 20)

ORDERED, that Representative Michael Gary Beaulieu of Auburn be excused March 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Scott E. Lansley of Sabattus be excused March 22 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark Paul Samson of Auburn be excused March 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Nancy E. Smith of Monmouth be excused March 15, March 20 and March 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Michael A. Vaughan of Durham be excused March 21 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the anniversary of the founding of the Knights of Columbus, March 29, 2007. On October 2, 1881, a small group of men called together by Father Michael J. McGivney met at St. Mary's Church in New Haven, Connecticut to form a fraternal society that would one day become the world's largest Roman Catholic family fraternal service organization. The Knights of Columbus was incorporated on March 29, 1882 under the laws of Connecticut and named in honor of Christopher Columbus, who introduced Christianity to the New World. The Knights of Columbus has more than 1.7 million members around the world and 10,000 members in Maine. The principles of the Order are Charity, Unity, Fraternity and Patriotism. In the past 11 years, the members of the Knights of Columbus have raised more than \$1.174 billion for charitable causes and provided in excess of 560 million hours of volunteer efforts in support of charity. Last year the Knights of Columbus donated \$139 million to charity and provided over 60 million hours of volunteer service in the United States. From 1979 to 2005, the Maine Knights of Columbus raised nearly \$2 million for the mentally handicapped through the Tootsie Roll Program. We extend our congratulations to the good members of the Knights of Columbus in this State and around the world for their generosity and exemplary contributions to society. We send State Deputy Robert King and the Maine Knights of Columbus our best wishes on their upcoming convention in Rockport on the weekend of April 20th to 22nd, 2007;

(HLS 191)

Presented by Representative CLARK of Millinocket. Cosponsored by Representative THERIAULT of Madawaska, Senator MARTIN of Aroostook, Representative JACKSON of Allagash, Representative TUTTLE of Sanford, Representative RECTOR of Thomaston, Representative BLANCHARD of Old Town, Representative FLETCHER of Winslow, Representative HANLEY of Gardiner.

On **OBJECTION** of Representative CLARK of Millinocket, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is a great honor today to stand in front of you and recognize the Knights of Columbus, on their 125th Anniversary. Being in the Knights of

Columbus myself, a Third Degree and a Fourth Degree, it is really a great honor to be here to testify on their accomplishments.

On October 2, 1881, a small group called together by Father McGivney, started the Knights of Columbus in Connecticut, and that is what we have before us today. You cannot believe the charity that these men give to the communities that they represent. It is unbelievable the amount of money that they can raise through a Tootsie Roll Drive. Can you imagine standing at the end of your church or your corner drug or your credit union? The Knights of Columbus are out there selling Tootsie Rolls to give back to the community for a lot of charitable work.

I want to wish the Knights of Columbus, on the 125th Anniversary, the very best. If you are in the Rockport area, make sure you stop and see the organization; if you are a man, stop in and we will welcome anybody who is coming to the Rockport area for the Convention coming up in April. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-37)** on Resolve, To Reduce the Size of State Government by Four Percent

(H.P. 434) (L.D. 556)

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc

Representatives:

WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford

READ.

On motion of Representative BARSTOW of Gorham, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 533) (L.D. 702) Bill "An Act To Allow Municipalities To Establish Foundations To Support Education" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 536) (L.D. 705) Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 541) (L.D. 720) Bill "An Act To Clarify What Constitutes a Schedule W Drug" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 575) (L.D. 754) Bill "An Act To Allow Physician Assistants To Sign Death Certificates" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 725) (L.D. 965) Resolve, Regarding Legislative Review of Portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 601) (L.D. 785) Bill "An Act To Promote Green Power Use at State Buildings" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-41)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 221) (L.D. 265) Bill "An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units" (C. "A" H-36)

(H.P. 665) (L.D. 875) Bill "An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides" (EMERGENCY) (C. "A" H-38)

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

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

ENACTORS

Emergency Measure

An Act To Establish May 25th as Missing Persons Day
(S.P. 86) (L.D. 249)
(C. "A" S-14)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Safe All-terrain Vehicle Access on Public Ways

(H.P. 142) (L.D. 160)
(C. "A" H-25)
An Act To Establish Cancer Awareness Week and Lung
Cancer Awareness Day

(S.P. 80) (L.D. 243)
(C. "A" S-13)
An Act To Allow Plantations To Enact an Animal Control
Ordinance

(H.P. 256) (L.D. 312)
(C. "A" H-23)
An Act To Enhance Consumer Awareness of Insurance Sales
Activity

(H.P. 331) (L.D. 415)
(C. "A" H-24)
Reported by the Committee on **Engrossed Bills** as truly and
strictly engrossed, **PASSED TO BE ENACTED**, signed by the
Speaker and sent to the Senate.

Resolves

Resolve, To Direct the Department of Transportation To
Rename State Bridge Number 5278 the Ryan Quirion Guthrie
Bridge

(S.P. 161) (L.D. 474)
(C. "A" S-15)

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

The following item was 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 Tuesday, March 27,
2007, had preference in the Orders of the Day and continued with
such preference until disposed of as provided by House Rule
502.

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

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

(Committee on **TAXATION** suggested)

TABLED - March 15, 2007 (Till Later Today) by Representative
PIOTTI of Unity.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative BARSTOW of
Gorham, the Resolve and accompanying papers were
INDEFINITELY POSTPONED and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the
House was engaged at the time of adjournment Tuesday, March

27, 2007, 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 (8) **Ought Not to Pass**
- Minority (5) **Ought to Pass as Amended by Committee**
Amendment "A" (H-34) - Committee on **STATE AND LOCAL**
GOVERNMENT on RESOLUTION, Proposing an Amendment to
the Constitution of Maine To Require a 2/3 Vote of Each House
of the Legislature To Enact or Increase a Tax or License Fee

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

TABLED - March 27, 2007 (Till Later Today) by Representative
BARSTOW of Gorham.

PENDING - Motion of same Representative to **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report.

Representative TARDY of Newport **REQUESTED** a roll call
on the motion to **ACCEPT** the Majority **Ought Not to Pass**
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 Majority Ought
Not to Pass Report. All those in favor will vote yes, those
opposed will vote no.

ROLL CALL NO. 15

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin,
Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant,
Burns, Carter, Casavant, Clark, Cleary, Connor, Conover,
Craven, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth,
Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S,
Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Koffman,
Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills,
Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry,
Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines,
Samson, Schatz, Silsby, Simpson, Sirois, Sutherland, Theriault,
Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson,
Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W,
Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis,
Duprey, Edgcomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford,
Giles, Gould, Greeley, Hamper, Holman, Hotham, Joy, Knight,
Lansley, Lewin, Marean, McDonough, McFadden, McKane,
McLeod, Moore, Muse, Nass, Pinkham, Plummer, Prescott,
Rector, Richardson D, Richardson E, Richardson W, Robinson,
Rosen, Savage, Saviello, Strang Burgess, Sykes, Tardy,
Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Cain, Canavan, Cressey, Crockett, Jacobsen,
Kaenrath, Millett, Smith N, Webster.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the
negative, with 9 being absent, and accordingly the Majority
Ought Not to Pass Report was **ACCEPTED** and sent for
concurrence.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as**
Amended by Committee Amendment "A" (H-35) - Minority (1)
Ought Not to Pass - Committee on **INLAND FISHERIES AND**
WILDLIFE on Bill "An Act Regarding the Authority of the
Commissioner of Inland Fisheries and Wildlife To Issue Permits
to Beagle Clubs To Trap Snowshoe Hares" (EMERGENCY)

(H.P. 386) (L.D. 503)

TABLED - March 27, 2007 (Till Later Today) by Representative
JACKSON of Allagash.

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

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to speak against the pending motion, just to give a little background and another view of this bill.

This is a practice that has been taking place in the State of Maine for many years, but it has never actually been—the Department has never actually had the authority to grant these permits to the clubs for this activity.

This activity consists of the trapping of a snowshoe hare in the wild and then transporting it into a penned in area for the use of beagle clubs, so that people can train their beagles with rabbit hunting. This removes a snowshoe hare from its natural environment and it has an impact on the food chain and ecosystem. It is the animals, the hares, when they are actually in these penned in areas, are much more likely to be subject to predation from owls and hawks. I just think it is a practice. I have heard from many people who are concerned about the humanness of taking these rabbits from the wild and putting them in a penned in area, for the use of being chased by dogs.

So, I just wanted to make it clear that the other side of this argues for humane treatment of an animal, the harassment of an animal, and removing it from its natural environment. Thank you, Mr. Speaker.

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 put this bill in, Mr. Speaker, and it is a proven fact that the life of a snowshoe is two years in the wild and probably four years in captivity. There was no law on this before. If people would trap these rabbits—now this is a tended trap and I want everybody to know that—it is caught alive in a tended trap with no harm to it. Just like bird dogs, they are going to train beagle puppies—what rabbits are all about. The rabbits will be taken care of just as well, and maybe even better than the beagles themselves.

Before there was no law, they could turn around and trap these rabbits and not go back to check the traps three days, four days later. They have to check the traps every single day now. If a little cottontail is caught, they have to be released and they have to notify the Department of Inland, Fisheries and Wildlife, every time they catch a little cottontail, not a snowshoe.

I worked on this bill. Usually my bills are in front of the Health and Human Services for the elderly and disabled. This is the first one I went around. But if you noticed a couple of weeks ago, on a Monday, the *Press Herald* had a front-page story about my wife and I being animal lovers with cats. I do not think I would do anything to harm the rabbits. This bill will protect them. They will be treated fine. I worked with Paul Jacques, changed some wording, put in some sentences he wanted; it seemed to be alright with them.

I want the good Representative from Portland to know that we will not trap any rabbits in Portland—if there are any over there. Thank you.

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. First off, the Committee heard this bill—I think weeks after the Election I started hearing from some of the Beagle Clubs. So I think we have had a lot of time to talk about it and see what the issues are, more than most bills that we see in Inland, Fisheries and Wildlife. It came out with a 12-1 Report.

The thing about this bill was it kind of shows the mentality of the Department of Inland, Fisheries and Wildlife, that they kind of police themselves on this. They were not sure if they actually had authority to give out permits to do this. When they did a review of their own laws, which I think really says a lot about the Department; if it had not been for that, no one would have ever said anything. There were not any complaints before that. As you have heard already, this has been going on for some 30 years. No one was saying anything. There were no complaints, at least officially, before that.

So once the Department decided, you know we are not really sure that we have the ability to give out these permits, they actually wanted to have a bill put in so that they had clear authority. Then we started hearing from a few people who did not like the idea of this. I can understand why. Whenever you look at this from the outside—obviously it is little rabbits that are not harming anyone—but honestly when we heard the testimony from everyone, the rabbits are caught in a live box trap.

They are not hurt. They are taken back, vaccinated, and fed. So you can make an argument that they are treated better. They are put in large, huge pens, sometimes hundreds of acres, so it is really no different than an environment. The only thing that is different is that they have fences along the outsides to keep the dogs from getting out. It is not so much to keep the rabbits from getting out; it is to keep the dogs from getting out. We did hear that owls and hawks are taking them, but owls, hawks, and coyotes take them in the wild too.

So I was satisfied that everyone told us that the dogs never catch the rabbits. Basically, all it is is a thing for them to be able to track by smell. I was satisfied that wildlife was not being harmed. That is why the Committee voted 12-1. I hope you support the Majority.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**:

Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not rise because I have any problems with hunting or beagles. I like them both, but Title 12 of the *Fish and Wildlife Regulations*, includes the definition of harassment—wildlife harassment. Wildlife is a public property, as are our waters. Our wildlife belongs to the public. They are protected by a number of statutes, including the Harassment Statute. That statute says that harassment means "the intentional act that creates the likelihood of injury to wildlife, by annoying it to such an extent, as to significantly disrupt normal behavior patterns."

An example of that is the statute that prohibits driving of deer or moose while you are hunting. To drive a deer or moose in an organized or planned effort, to pursue, drive, and chase, or otherwise frighten, or cause the deer or moose to move in the direction of a person who is part of an organized, planned hunt and is known to be waiting for the deer or moose to come by, is a consequence of that harassment, it is against the law. There are lots of laws like this on the books and for good reasons.

The population of snowshoe hares has, with a lot of other prey species, goes through cycles. In the case of snowshoe hares, they go through a 10-year cycle of population growth and decline. When they are in decline, all the animals that prey on them and depend on them suffer as a consequence. It is a matter of ecological principle that the laws that we have put on the books try and protect wildlife for everyone.

In closing, I was glancing in my *American Heritage Dictionary* at the definition of harass and it says "To disturb or irritate persistently, to wear out; exhaust, to enervate by repeated raids"—the last line was "to set a dog on."

Again, I am not opposed to hunting, but I think we are at risk of setting a precedent that anyone can obtain wildlife, which is a public resource, for a private use. I really cannot support that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

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

The SPEAKER: The Representative may pose his question.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to know the difference between a snowshoe hare and a rabbit, and how you tell the difference, so when trapping them you know which one you have—to anyone on the Committee who might answer it?

The SPEAKER: The Representative from Brunswick, Representative Gerzofsky has posed a question through the Chair to anyone who may care to respond. Seeing none, the Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not sure either, probably because of the shiners that we deal with, but I rise just to support this bill as we came out of Committee. A couple of things: Let me answer those questions or comments that were made before.

Harassment—well, when you drive a deer or moose, harassment is a bullet at the end of the drive. In this case, the rabbit is captured and it is vaccinated. It has been pointed out to us in the Committee that they live three to four years longer than they do if they are out in the wild.

The second thing is that this process, this tradition as you will, has been going on in the state for over 30 years. There are 32 Beagle Clubs in the State of Maine. When they, along with the Department of Inland, Fisheries and Wildlife, realized that there was not a regulatory law on the book that allows them to do this, they came to the Committee hand in hand. Nowhere along the lines was harassment mentioned in this thing.

I think most importantly, what this rule is finally doing or the law finally does, is it will actually make severe penalties if in fact they do not follow the rules that have been outlined in this law. I think that is significant, so they have approached us. This is something that has been a tradition. They use it as families. The families have these clubs and they go out and do this exercise. So, I hope you will support the Majority Report. Thank you, Mr. Speaker.

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. I invite all you on your way out of the building, to stop by and see the prop on my desk that I cannot show in the House because it is against the rules.

I have raised and worked with beagles, probably for the last 30 years. Although I am not opposed to hunting, I know beagles, that is what they are bred for and they enjoy it. There is nothing they love more than to get out and get on the hunt. But you do not have to have a live rabbit to train a beagle to hunt on scent.

There are many ways you can train a beagle without actually turning them loose to terrorize a rabbit or any animal out there, for this purpose is inhumane to them. They do not deserve this. The rabbit—fine he may be taken care of, he may be inoculated against diseases, but you know the snowshoe hare has survived for many, many years without inoculations and being locked up in pens.

If you want to train your beagle to hunt, train them with the scent because there is not a scent that you will put out there that a beagle cannot pick up and track on, because I have had them, they do it by instinct. My beagle does not hunt because I do not hunt. But she will, on instinct, bring you a stuffed rabbit when you go to feed her. It is a reward: When you give her food, she gives you her best rabbit. Instinct rules and scent alone will make them do what they need to do. I urge you to vote against this bill. It is the right thing to do. Thank you.

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 do not want to make this go on longer than it has to, but inhumane?

Last winter, I had just moved into my new home on the Saint John River and I watched two coyotes run a deer out onto the ice. They must have been running it for so long, that the deer finally turned and just faced one of the coyotes. It reached and grabbed it by the throat and killed it right there. It never ate a bit of that deer.

To me, that was inhumane, but that is nature. That is what happens out there. It is not always nice. It is sometimes cruel. But this here to me does not seem to be cruel. These rabbits are chased by animals all of the time that are going to kill them.

In this case here, these rabbits are never killed. Their heart rate might go up a little bit and they can get some exercise if they normally do not, but they are never torn apart by sharp teeth. So, I do not see the inhumanness of this. We allow dogs to go after birds: live pheasants, live partridges. We allow dogs to go after a bear. All of those animals are eventually going to be killed, so I do not see where the inhumanity is in this. So, please support the 12-1 Majority Report.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

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

The SPEAKER: The Representative may pose his question.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For the purpose of clarification, would a member of the Committee please—if this measure were to be defeated, would current practice be prohibited? Conversely, if this measure were to be passed, would it likely lead to an expansion of the practice? Thank you.

The SPEAKER: The Representative from Kennebunk, Representative Babbidge has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To the good Representative, I believe that if the measure did not pass, the Department would quit giving out permits altogether. Therefore there would be no trapping of snowshoe hares.

If it does pass, there is no expansion. It will continue to go on like it has for the last 30 years. The people that trap them have to check their traps daily—the same things—I think we added a penalty division if they did not do it though, that they could be penalized and have their permit taken away. But there is no expansion of the new permit.

Representative **CAMPBELL** of Newfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise to help Representative Gerzofsky with his question, which I do not think was answered. In "googling" the question, a hare is any of various mammals of the genus *Lepus*, similar to rabbits, but having larger ears and giving birth to active furred young. There is your answer, Representative Gerzofsky.

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

ROLL CALL NO. 16

YEA - Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Browne W, Bryant, Burns, Campbell, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Holman, Hotham, Jackson, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Moore, Muse, Nass, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Sirois, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Wheeler.

NAY - Adams, Ayotte, Blanchette, Bliss, Boland, Brautigam, Cain, Canavan, Casavant, Craven, Dill, Dunn, Eaton, Eberle, Gerzofsky, Giles, Harlow, Hinck, Hogan, Koffman, Makas, McKane, Miramant, Norton, Pilon, Rand, Rines, Schatz, Simpson, Strang Burgess, Treat, Walcott, Watson, Weddell, Woodbury, Mr. Speaker.

ABSENT - Cressey, Crockett, Jacobsen, Kaenrath, Smith N, Webster.

Yes, 109; No, 36; Absent, 6; Excused, 0.

109 having voted in the affirmative and 36 voted in the negative, with 6 being absent, and accordingly Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-35)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 2, 2007.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-21)** - Minority (5) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

(H.P. 201) (L.D. 239)

TABLED - March 20, 2007 (Till Later Today) by Representative GERZOFSKY of Brunswick.

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

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a fairly simple, straightforward bill. Under current law, police and EMTs have the protection of law that if you assault one during the course of their job, it is a Class C felony. We want to give that same protection to our firefighters, who quite often are on the

scene of a very emotional incident first, sometimes before the police can arrive to give them that protection.

So, this is a fairly straightforward bill. We want to protect our firefighters as much as we protect our other first responders. I would urge everyone to please support the firefighters, they need this protection. The Fire Chief in Portland has put out a Notice to his firefighters that in certain areas, they cannot even start to do their job until after the police have arrived to secure an area. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 239, "An Act To Provide a Felony Penalty for Assault on a Firefighter", it seems like we could all support. We all like firefighters—they protect us, they risk their lives, risk injury to protect our property. The bill and its accompanying amendment, the Amendment simply adds the words "at the scene of a fire or other emergency." So it would be an assault on a firefighter, as if performing their official duties at the scene of a fire or other emergency.

But I would ask you to look a little bit deeper in this. We already have sufficient laws to deal with the situation that we are looking at. Assault is a Class D crime: It is a misdemeanor; it is punishable by up to one year in jail. If there is serious bodily injury, they can charge them with aggravated assault; that is a Class B crime. If it is even more than that, it is possible to charge someone with elevated aggravated assault, a Class A crime.

Testimony before the Committee, showed no evidence of issues or problems here in the State of Maine, with assault on a firefighter. We already have, as has been alluded to before, a number of special groups, legitimately protected by enhancing a crime of assault against those people—police, corrections officers, emergency medical support people, pregnant women, minors. I just wonder where this is going to go.

We already have those laws where we can charge them with an aggravated or elevated assault. Where is this going to lead?

Should we also include animal control officers? They are going to take your dog away from you because it is not licensed and you might assault them.

Should we include teachers? I have seen teachers assaulted, but we do not have an aggravated or elevated penalty for that.

What about referees at a high school basketball game? I have seen referees assaulted at a high school basketball game. Coaches, the Code Enforcement Officer who is not going along with what you may wish to have—those are the things that concern me. Where are we going to go? Where are we going to stop?

But the thing that concerns me most about this bill is if you look at what constitutes assault. Assault, and I will quote for you, includes "offensive, physical contact." Do we really want to have a firefighter stand at the door of a house where someone wants to rush back in and save something, try to push that firefighter out of the way, and have them in the situation where they can be charged with a felony for offensive, physical contact? A felony, upon conviction, stays with you for life.

I believe that we have enough laws to cover this. Firefighters are wonderful people—I am one of them. I just do not see a need for this. I see we have these laws already to protect and charge people with assaulting a firefighter. I urge that you would vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This was actually my bill, so let me give you the executive summary of how it came to you in the first place.

Back on February 13, 2004, a Lieutenant Brenda Cowan was fatally shot and another firefighter wounded in Kentucky. That woke up the Kentucky Legislature that now with Regional Dispatch 911, a lot of first responders are showing up to emergencies simultaneously, or one will get there ahead of the other. There is really no control over who gets there first. They realized that all of these first responders are in the same jeopardy. They are expected to show up at a scene of an emergency—not an Animal Control situation, not a Code Enforcement situation—but an actual bona fide emergency. They are expected to be there to answer the call.

Currently, Maine law gives protection to the Police Officer and to the Emergency Medical Technician; both are protected by current law saying it is a Class C felony, to assault and cause bodily injury. It is not just a confrontation at the door. It has to cause bodily injury. This bill simply does extend the protection to the other class that we have so far ignored in this protection—the firefighters.

Now it may be argued that this is rare—of course it is rare. Assaults against a police dog are rare, but right now if you assault a police dog and permanently disable it, that is a Class C felony. If you assault a police horse and disable it that is a Class C felony, but not the firefighter—go figure. The whole purpose of this bill is to elevate the status of first responders to exactly the same equal level of protection. We want the law to have a deterrence effect. So no, it should be a little bit more than a misdemeanor just to get somebody's attention.

Now all of your local Fire Chiefs will tell you that this does not happen very often, but every one of them as a story. If you go to your town meeting, especially if you vote against this bill—to go to the town meeting this weekend, you can get a good story out of how they have had to face this exact situation.

Now it could be argued that you are making a felony out of minor contact, but I remind you again. This is not a case of somebody merely losing a temper or panicking because the family cat is still in a burning house. This is an incident where you have caused bodily injury to a first responder, who is there to save lives.

It may be argued that this gives District Attorneys too much discretion, but they already have this discretion for the other classes of first responders. We do not hear any problems with this.

Men and Women of the House, emergency personnel have no way to control who is going to be there first at an emergency situation and have to take control of the situation and restore order. You cannot always wait for the police officer to arrive there first. It is interesting that we give a level of protection to a guy who has a gun, but not a hose.

So Ladies and Gentlemen, I do not know why Maine law leaves out one class of our first responders. When the vote is taken, Mr. Speaker, I would request a roll call.

Representative **DUCHESNE** of Hudson **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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**: The Chair recognizes the Representative from Farmington, Representative **MILLS**.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the Majority Ought to Pass on this bill. I prosecuted cases for 19

years, 4 years in the Attorney General's Office and 15 years as the elected District Attorney for three counties in western Maine. I practiced Criminal Law for over 30 years.

I can tell you—and I have been involved in drafting statutes and the criminal code for many, many years on the books today—if a person causes bodily injury, and that includes any physical pain, the infliction of any physical pain, physical illness, or impairment of any physical condition, it is a very low threshold to cause bodily injury. If anybody causes bodily injury and if they do so with the use of a dangerous weapon including an open beer bottle, a fist, or any kind of thing that can be construed as a dangerous weapon in the context in which it is used, that it can be prosecuted as a felony now.

I share the concerns of my good friend from Harrison, Representative **Sykes**, that we are opening the door to more and more criminal laws on the books, criminal laws for which there has not been proven a true need. I honestly do not remember a single case of an assault on a firefighter that I could not prosecute in my years as District Attorney under current laws.

As I understand it, the bill had a hearing. Virtually nobody showed up to relay any instances of assault on officers, firefighters that is, which could not be prosecuted under current law. I will tell you that in 1975-76, in the original Criminal Code, it was suggested that we make it a felony to assault a police officer because the police officer routinely, daily, is in the act of making arrests—because of that unique status, it was deemed appropriate to deter the crime of assault on a police officer by making it a felony.

The instances that have been described in the speeches on the floor so far today have been instances of distraught people who might assault a firefighter to protect their own property or to get back into their own property. I suggest to you that the deterrent effect of making something a felony, something as relatively minor as recklessly causing any bodily injury to a person in this category. The deterrent effect of making this a felony is new because people, when they are trying to get back into their houses or whatever they might be doing—pushing a firefighter away—would not be deterred by this being on the books.

Every year we have proposals for new criminal penalties and aggravated penalties and new crimes, the "Crimes du Jours" I call them. I am begging you not to add to the books, add unnecessary criminal sanction or elevated criminal sanctions to our already cluttered Criminal Code, something that is already contributing to an overcrowding situation at the prisons as it is.

When something is made a felony, there is a longer period of probation available, in addition to a longer sentence—five years in this case, as opposed to one year. I do not think that we need this bill. I ask you to vote against the Majority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative **Gerzofsky**.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not have a law background being a lawyer or DA or anything else, but I do have a little bit of a background in common sense. When a firefighter gets assaulted, it is not him that is going to bring the complaint. It is going to be his Captain and then it is going to go to the DA.

Now, as we all know, DAs get to bring the charges. They get to bring whatever charges they see fit. If they see that this is fit to bring in front of a court because it has been egregious enough, then they will use the law. If not, that same good DA—and hopefully they all have the same experience that the good

Representative from Farmington has—will know what charges to bring and will bring the appropriate charges.

So, I would like to talk about common sense. I would like to see us vote on common sense. If we are going to give that protection to police officers who have a gun on their hip—he too is going to be saving somebody's life—we should give the same protection to a firefighter who is being called to the scene to take care of property and lives.

Let's give them the same respect we give to the other first responders. Let's use our common sense on who is going to bring these charges to court and how they are going to be dealt with in court. It is not going to be the firefighter that brings the charge of being shoved by somebody who is trying to protect their puppy in a house. They are going to be brought in front of a DA because the Captain of the squad saw one of his firefighters seriously assaulted. So for Goodness sakes, let's pass this bill. Thank you very much.

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. If we are talking about fires, what if we have a domestic violence and the fire rescue show up first? They do not have a gun to protect themselves like a police officer, State Trooper, or Sheriff's Department. They are at the mercy of whomever this screwball is that is beating his wife up or something, and they have no protection. So, I think we should treat the Fire and Rescue as equal as we do the Police Department and pass this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill.

Representative **HILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to speak against this bill. I serve on the Criminal Justice Committee and I have to tell you it takes a lot of guts to vote against this because of the firefighters.

My father was a firefighter and I was very proud of him, but the fact is when we had testimony on this, there was no compelling testimony that this was needed. It was also proven to us that there are plenty of adequate laws on the books right now to take care of this.

I think when we pass a criminal law we have to hold it to the highest standard. It has a great effect on the public at large; it has a great effect on you and me. We cannot pass a law because it feels good. We have to pass it because we need it. If you say to me, what about the EMT? I would say to you that I was not in that Legislature, but I would have voted against that too. It is not a reflection on my thinking about the EMTs.

So, I say to you, if you want to do something for the firefighter, why don't you pass a law that will really do something for them? Why don't you think about a civil offense or a civil tort law that will put the damages in their pocket if they are assaulted? That will maybe send them to work at a Fire Department, do some work with the firemen, learn to respect them and what they are up against, and change their attitude.

So I ask you to vote against this because this law can be used against you, me, and other people. It is just not needed and we should not resort to emotions. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in emphatic support of my good friend and colleague, the Representative from Hudson's bill.

Once again, I would like to echo the sentiments of the good Representative from Brunswick, Representative Gerzofsky. I am

not a lawyer. I do not know the ins and outs of statute and this is all new to me, but I do know I cannot, in good conscience, go back to my firehouse where I serve with people who ride on the same truck as an EMT and show up at the same scenes that cops and EMTs are showing up to. I cannot go back and tell these people in my firehouse, I am sorry the State of Maine looks at you differently than a cop or an EMT. I cannot do that in good conscience.

The reason you did not have tons of firefighters showing up at your hearing is because, guess what? We are alright with that. We know that sometimes we deal with situations where people are upset. We know we deal with situations where people may act how they would not otherwise. There is no firefighter, no Lieutenant, no Captain, no Chief that I know in this state that would bring this up, because somebody pushed somebody in a doorway because somebody overreacted or was scared that they are losing property or family members. No one that I know in this profession would do that.

This is an issue of parody, pure and simple. I cannot come up with anything other than that. This is an issue of parody. You cannot have it both ways. You cannot say to people riding on the same truck to the same scene that the law looks at the person sitting next to you differently than the person driving the truck. We are dealing with a lot of scenes these days that we are not used to, it is getting crazy out there.

All I ask is for parody, so that I can go back to my firehouse and tell the folks that leave their jobs and families at all hours of the night to go out and deal with a lot of tough situations, that they are covered by the same laws as those that are showing up with them at the same time. So I thank you very much, and I urge all these members to please join me in supporting this bill. Thank you.

Representative **CROSTHWAITE** of Ellsworth **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have the good fortune last weekend to attend the retirement of my Oakland Fire Chief, Chief Pullen. I had the good fortune of spending the evening with firefighters and their families. I asked them the question—from my point of view, I am thinking you are going in and people are wanting to be saved—so tell me, are there scenarios where you need this deterrent and protection? They described that this may be rare, but in truth, there are some scenarios that they described that they face that I would have never in my wildest imagination have thought these men and women would be confronting. So I listened well and am rising in support of providing our firefighters with this protection.

I would also like to come from a little bit of a different angle on this as well. As we are out there recruiting firemen and firewomen—and my son, this week, does want to be a fireman—what are we signaling to them, as far as the level of protection or deterrent we want to provide to keep them safe and encourage them to go out and risk their lives, to save the lives of others. I speak of, again, men and women that we want to attract into this profession—and to my good colleague, Representative Campbell's point, these firemen and firewomen are not carrying guns. Why not tell these folks to do this honorable work and public service, and we will give them the same measure of protection under the law. I would support additional civil, potentially, protection for them as well.

I hope you consider those two points. I did hear real scenarios of people being under the influence of some sort and

the scenario these folks are put in—they may be rare, but they do exist. I just hope that we signal to them and support this bill. I will vote Ought to Pass as Amended.

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. I stand today to urge you to support this bill for any number of reasons. In my seven years that I have served in the House of Representatives, in the great State of Maine, each Speaker that I have served under has granted me the privilege of serving with the Maine State Fire Commission.

Once a month I get to meet with firefighters from all over the state—both on call, volunteer, and professional. We have talked about this and I have come to the conclusion that in a perfect world, under perfect circumstances, this bill would not be necessary. But we do not live in a perfect world. We live in a wonderful state that has hundreds of miles of unorganized territory roads to patrol and protect.

Many times, and I can give you times that I have personally experienced when I was Treasurer in Penobscot County, I would get a bill for towns of Lincoln and Millinocket, for fire services that they had to render on the Interstate highway—brakes out in a car on Interstate 95—the closest emergency vehicle response is the Fire Department in one of these towns. The nearest police call is an half an hour away. We have one Trooper who patrols up through Penobscot County, many miles of unorganized territory, so they cannot be everywhere and be doing everything for everyone.

The Fire Department is the first on the scene. It is a different world today than it was 10 years ago. It will be still more different 10 years from now. People are violent. People are violent for any number of reasons. We do not know what they are, but that first responder has to deal with that violence. When they are not awarded the protection that our law enforcement are offered, that our EMS are offered, and I am going to take you one step further—Marine Patrol, Game Wardens—licensed and trained to carry guns because it is far more important to protect a moose than it is to protect a live firefighter.

Ladies and Gentlemen, I urge you to support this. There is not a big price ticket on this. This is the right, fair thing to do. As the good Representative from Eddington, Representative Pratt said, this is a parody issue. We cannot say one is more valuable than another. They save our lives every day, Ladies and Gentlemen. I hope you never have to use them, but be well assured, if you do, they will be there for you and put their life on the line. You can put your vote on the line and say thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Although I do not serve on the Committee that reported this bill out of Committee to the House floor, I do serve in an Emergency Room on the weekends when I am not serving in this body. I do feel that this bill, the Majority Ought to Pass as Amended, has relevance.

I do see many situations throughout the year where EMS Police, as well as Fire, are put into a situation where they are either threatened or actually assaulted. I have seen situations where these fine folks are out in the field and they are actually spit at or on by somebody who has AIDS. I see them come in with fractures, where they have been hit in the face. They do not know what they are running into when they are going out to a call. I work at night—you can imagine about anything that you can conjure up in your head for a scenario—I have probably seen it because I work at night when most people are sleeping, but

there are a lot of folks who seem to like the nighttime to live their lives.

I just think it is a parody issue. The firefighters in urban areas, from my perspective because that is what I know, they do go on these calls with the EMS and Police as well. They work as a team and they are all at the scenes. I believe that they all should be protected because they all have the potential for being assaulted. They all have been assaulted in certain situations. I will be supporting the Ought to Pass as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have heard two arguments in favor of the bill. Basically, one is the discretion argument: Just enact it and the DAs will exercise discretion, we know they will not do the wrong thing.

Well, by that theory, we could make everything a felony and just defer completely to the prosecutors of this world to make judgments that we might want to make in their places. I think that is a wrong argument to make. We set the policy. We say when something should be a felony and when something should be a misdemeanor. It is already a felony to threaten to inflict serious bodily injury, to use a dangerous weapon, to threaten in a serious manner, anybody in or out of uniform.

The second argument we have heard is a parody argument. This is a simple matter of parody. We hear this quite often in this body. I agree with the good Gentlemen from Harrison, Representative Sykes, that if we do enact this as a felony, if we elevate the penalty in this particular crime, then today and tomorrow the doctors who are down in the Hall of Flags will say assault on a physician should be a felony as well; after all, they deal with some dangerous people sometimes.

Nurses may say we deal with some dangerous people sometimes; assault on a nurse should be a felony. Code Enforcement agents, who certainly face some dangerous situations; they will come and say assault on a Code Enforcement agent should be a felony. Revenue Agents from the state or Federal Government: They certainly see some cantankerous situations and cantankerous citizens; they will say they want to make it a felony to assault them. Judges, prosecutors, mental health workers, any numbers of categories of people for whom there are all ready generic protections, who may come here and will come here to say it should be a felony to assault me as well.

This is more than symbolic legislation, Ladies and Gentlemen. This is more than saying well we like firefighters so we want to enact this. This is a very hackneyed phrase—"If it ain't broke, don't fix it"—that comes to mind repeatedly in this debate in my mind.

The good Representative from Oakland and the good Representative from Westbrook both mentioned instances they have seen or heard about where there were assaults. I would like to know, were those assaults prosecuted because clearly they could have been prosecuted under current law. If they have not been prosecuted under current law, why not? If they have, was there an unsatisfactory result or not? If there was not an unsatisfactory result, let's not pass this bill.

When we impose felony sanctions, we need to mean it. We need not to be standing here passing legislation in symbolic fashion or friendly fashion—what category of people do we favor today or tomorrow. We should only pass laws if there is a problem, a documented problem that cannot and is not being addressed under current law.

I am very concerned also about the numbers of volunteer firefighters, friends and neighbors. I have not heard a word from

any of my constituents, many people who are volunteer firefighters in my communities. Nobody has mentioned this as a problem to me.

I would be concerned that the number of people who might misuse this law, there may well be unintended consequences. If you have a fight with your neighbor and that neighbor happens to be a firefighter—maybe you have a bonfire and they come to put out the bonfire, but they do not like you for other reasons—they could possibly bring felony charges for the wrong reasons. I am just concerned about there being no evidence that the current remedies are inadequate. I would ask you to vote against this bill.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had a couple of people inquire with me about mandatory minimums. So just for informational purposes, while this measure would make the penalty range similar between some Emergency responders, it does not create a mandatory minimum.

With that, I know the good Representative from Ellsworth, Representative Crosthwaite, already requested a reading of the Committee Report. I would at this time request a roll call. Thank you.

The SPEAKER: The Representative from Bangor, Representative Faircloth, has requested a roll call. The roll call is already in order.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to briefly respond to an opposing argument. This is unique for firefighters and police because in the moment they are going, it is not just their lives that they are trying to protect that could be obstructed, but the lives of other people in a burning building or whatever the scenario.

So as far as a different class that we can offer to this person or that person, I would say that firefighters, like police officers, are at that moment in a time sensitive emergency situation, trying to help save this person's life who is trying to assault them, but also the other lives of other folks that may be in that building. Thank you, Mr. Speaker.

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. My good friend Representative Mills over there was talking like an Attorney, which she is a Defense Attorney—but I happen to live in a rural area, very rural area, with New Hampshire on one side of my town and the town to the north is away from Oxford County. We have no other Police Department.

I have been a member of the Fire Department. I was their Treasurer for 12 years until I came up here, but I am still a member. They answer calls on Friday and Saturday nights. Drunken drivers, rollovers off the road—some of them are belligerent. We had no Police Department. The closest Police are probably two cruisers in York County that patrol a rural area, and one State Trooper, so rescue was there before anybody pulling them out of their cars, drunk and rowdy, no defense.

It is alright for a Defense Lawyer to stand up for the people that cause these problems, but I am standing here defending the firemen that put their life on the line every single day. Whether it is a drunken driver or a house fire or whatever it is. I ask all of you to please vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak, knowing full well that I put in jeopardy my lunch with the Speaker today. Folks, I need to speak only when I hear us going in a direction and I think something may be unsaid.

I happen to, as a young person, have been victimized by a law enforcement officer out of uniform. I know that is unusual, but I think it can happen.

I think something else that is not said today, is that a firefighter doing his duty is worthy of all of our admiration. But the fact is, not all firefighters behave similarly. What I fear is that a firefighter, in doing his duty—obviously if they come across a Meth lab or something of that sort—that person, if they should assault a firefighter, not only would have up to a year in jail, but have a great deal more to answer for than that particular charge.

What I am concerned about is the normal citizen, who is at a high adrenalin level, who may be defending something precious to them that the firefighter is unaware of. In my opinion, criminalizing this behavior is a disservice to that citizen who is already a victim. I think that anybody that believes that this law serves as a deterrent in that moment of crisis is kidding themselves. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Close vote—whew, I won. Real quickly, there is something I forgot to mention and I will try not to speak as a lawyer. I will try to act like a human being for once.

Thirty years ago, we established as part of the new Criminal Code, the so-called Criminal Law Advisory Commission. This is the Commission to whom the Committee on Criminal Justice and Public Safety turns for advice on all criminal law matters. It is composed of judges, prosecutors, defense attorneys, and people very knowledgeable in criminal law. Here is their report on that bill.

"CLAC—Criminal Law Advisory Commission—is concerned about the growing number of new felony offenses making their way into the Criminal Code. Felony cases consume more resources of the Criminal Justice system and carry more severe consequences for offenders than misdemeanor offenses. Unless evidence exists that current law is inadequate to prevent from violent interference with firefighters at a fire scene, the Criminal Law Advisory Commission recommends that the bill Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This has been highly entertaining for me and I should put in more bills. I think we have drifted off a little from the original discussion. We have talked about how far could this be extended—could it be extended to Animal Control officers, Code Enforcement officers.

Men and Women of the House, we are talking about an emergency response situation. CEO and Animal Control officers, if they encounter a bad situation, can leave. There is no emergency. That can be dealt with in another way. We are really talking about a very, narrowly defined situation where you have an emergency, an emergency responder showing up. You

never know who is going to be there first and they have to deal with it.

Right now, we give Class C felony protection to two of those three classifications—we do not do it with the third. I have not heard any logic, why we do not extend it to all classifications of first responders. That is my point. That is the reason why my own local Fire Department Fire Chief brought this bill to my attention in the first place. Thank you, Mr. Speaker.

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. I will be very brief on this. I do not want—ever want—to see the State of Maine be in the same situation that the City of Washington, DC is in, and many other cities. That when they have a fire or they have an emergency, the Fire Department will send a vehicle, they will respond, but they will not—and I repeat—will not enter the premises, until there is a law enforcement officer on the scene, because of assaults and bodily injuries to the firefighters. These are the choices that the City Council in those cities has made, and they enforce and require their Fire Department to follow that law.

Another point that might be interesting to people: We are talking about extending this out to Animal Control officers and Code Enforcement. Many of the larger cities, my own included, our Animal Control officer is a dually sworn constable that carries all of the arrest powers of an officer. So, this is automatically extended to any Animal Control officer that is injured in the line of duty. Thank you.

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 always thought that assault was against the law. What worries me now is that we are probably going to want lawyers to be defended—and politicians.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not mean to make light of this, but I am a lawyer and I started thinking while listening to this debate. You know full well that many firefighters are also EMTs, that is a certification they seek.

So I wonder if under present law, if a firefighter, if someone at a fire scene is assaulted and charges are brought, if first a determination has to be made that this firefighter/EMT was operating as a firefighter, or operating as an EMT, because the difference is if we charge with a misdemeanor or charge with a felony. It is silly. The issue of parody, I think in this case, is pretty clear.

Otherwise, I do not do criminal defense work,—but I might recommend that someone charged in such an event, that a reasonable defense might be, "Well, I thought he was a firefighter. I would not have slugged him if I thought he was an EMT." Thank you, Mr. Speaker.

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

ROLL CALL NO. 17

YEA - Adams, Annis, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Campbell, Canavan, Casavant, Clark, Cleary, Connor, Conover, Craven, Cray, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood,

Gerzofsky, Giles, Greeley, Grose, Harlow, Haskell, Hayes, Hogan, Hotham, Knight, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, Miramant, Moore, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Richardson D, Richardson E, Rines, Robinson, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Tardy, Theriault, Tibbetts, Trinward, Tuttle, Wagner, Walcott, Watson, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Browne W, Burns, Carter, Chase, Cotta, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Fitts, Gifford, Gould, Hamper, Hanley S, Hill, Hinck, Holman, Jackson, Joy, Koffman, Lewin, Marean, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Patrick, Pilon, Plummer, Rector, Richardson W, Rosen, Samson, Simpson, Sykes, Thibodeau, Thomas, Treat, Valentino, Vaughan, Walker, Wheeler, Woodbury.

ABSENT - Cebra, Cressey, Crockett, Dill, Jacobsen, Kaenrath, Lansley, Norton, Smith N, Sutherland.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-21) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, April 2, 2007.

Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues

(H.P. 1189) (L.D. 1706)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) **TABLED** - March 27, 2007 (Till Later Today) by Representative **BARSTOW** of Gorham.

PENDING - REFERENCE.

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

SENATE PAPERS

The following Joint Order: (S.P. 632)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 2, 2007 at 10:00 in the morning.

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

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections"

(S.P. 640) (L.D. 1796)

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 Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws" (EMERGENCY)

(S.P. 635) (L.D. 1791)

Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine

(S.P. 638) (L.D. 1794)

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 Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006"

(S.P. 633) (L.D. 1789)

Bill "An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations"

(S.P. 636) (L.D. 1792)

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

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

Bill "An Act for Fair Treatment of Workers"

(S.P. 628) (L.D. 1777)

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 Govern Publicly Funded Advertising during Campaigns"

(S.P. 630) (L.D. 1779)

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

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

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

(S.P. 629) (L.D. 1778)

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

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

Bill "An Act To Strengthen Budget Caps for Counties, Municipalities and School Districts"

(S.P. 627) (L.D. 1776)

Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

(S.P. 637) (L.D. 1793)

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 Secure Maine's Transportation Future"

(S.P. 634) (L.D. 1790)

Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower

(S.P. 639) (L.D. 1795)

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

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

Bill "An Act To Encourage Community Network Development"

(S.P. 626) (L.D. 1767)

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.

CONSENT CALENDAR

First Day

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

(S.P. 153) (L.D. 466) Bill "An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 167) (L.D. 512) Bill "An Act To Change the Name of the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 216) (L.D. 679) Bill "An Act To Clarify Portions of the Laws Governing InforME" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 43) (L.D. 135) Bill "An Act To Amend the Debt Management Services Laws" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)**

(S.P. 46) (L.D. 138) Bill "An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

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

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

(H.P. 878) (L.D. 1236) Bill "An Act To Create the Princeton Standard Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

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

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

On motion of Representative BARSTOW of Gorham, the House adjourned at 1:13 p.m., until 10:00 a.m., Monday, April 2, 2007 pursuant to the Joint Order (S.P. 632) and in honor and lasting tribute to Felgar C. Nicely, of Gorham, Richard William Angotti, of Millinocket and Vera "Grammy" Brown, of Gorham.