

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
30th Legislative Day
Wednesday, April 11, 2007

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

Prayer by Reverend James Henry, The Elijah Kellogg Congregational Church, Harpswell.

National Anthem by Alina Grimshaw, Falmouth.

Pledge of Allegiance.

Doctor of the day, Ned Claxton, M.D., Auburn.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Promote Sustainable Prosperity"
(S.P. 662) (L.D. 1848)

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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 Improve the Quality of Health Care in Maine"
(S.P. 660) (L.D. 1843)

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 Amend the Laws Relating to Notaries Public"
(S.P. 653) (L.D. 1835)

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

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.

COMMUNICATIONS

The Following Communication: (S.P. 665)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 6, 2007

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

123rd Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Land for Maine's Future Board:

Leon Gorman of Yarmouth for reappointment

Diane Doyle of Saco for appointment

Benjamin Emory of Salisbury Cove for appointment

Pursuant to Title 5 M.R.S.A. §6204, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Provide Taxpayer Relief"
(H.P. 1291) (L.D. 1852)

Sponsored by Representative LANSLEY of Sabattus.

Cosponsored by Senator NASS of York and Representatives: CEBRA of Naples, McDONOUGH of Scarborough, McLEOD of Lee, MOORE of Standish, SAVIELLO of Wilton, TARDY of Newport, VAUGHAN of Durham, Senator: COURTNEY of York.

JUDICIARY

Bill "An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings"

(H.P. 1292) (L.D. 1853)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator HOBBS of York and Representatives: BARSTOW of Gorham, BLANCHARD of Old Town, BRAUTIGAM of Falmouth, MARLEY of Portland, MILLS of Farmington, Senators: COURTNEY of York, MARTIN of Aroostook.

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

NATURAL RESOURCES

Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

(H.P. 1290) (L.D. 1851)

Sponsored by Representative KOFFMAN of Bar Harbor. (GOVERNOR'S BILL)

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BARSTOW of Gorham, BERRY of Bowdoinham, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BRAUTIGAM of Falmouth, CAIN of Orono, CAMPBELL of Newfield, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, DUCHESNE of Hudson, EBERLE of South Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FLETCHER of Winslow, FLOOD of Winthrop, GILES of Belfast, HINCK of Portland, MacDONALD of Boothbay, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, MIRAMANT of Camden, NORTON of Bangor, PATRICK of Rumford, PERCY of Phippsburg, PIEH of Bremen, PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington, RECTOR of Thomaston, SAVIELLO of Wilton, SIMPSON of Auburn, SMITH

of Monmouth, STRANG BURGESS of Cumberland, THERIAULT of Madawaska, TREAT of Farmingdale, WAGNER of Lewiston, WATSON of Bath, WOODBURY of Yarmouth, Senators: BENOIT of Sagadahoc, BOWMAN of York, BRYANT of Oxford, DAMON of Hancock, DOW of Lincoln, President EDMONDS of Cumberland, MARTIN of Aroostook, MILLS of Somerset, MITCHELL of Kennebec, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, STRIMLING of Cumberland, TURNER of Cumberland.

Committee on **NATURAL RESOURCES** suggested.

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

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 22)

ORDERED, that Representative Lawrence E. Jacobsen of Waterboro be excused March 29, April 3, April 4 and April 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused April 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused April 5 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Leavitt Area High School Boys Cross-country Ski Team, on its successful season for the 2006-2007 school year. The team placed 3rd at the Sassi Memorial Race and the skiers were the 2007 KVAC Nordic champions. They also were the 2007 Class A Freestyle champions, the 2007 Class A Classical champions and the 2007 Class A Nordic Overall champions. We extend our congratulations to the team on its successful season;

(HLS 295)

Presented by Representative SIROIS of Turner. Cosponsored by Senator NUTTING of Androscoggin, Representative LANSLEY of Sabattus, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative SIROIS of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my pleasure to stand and honor the Boys and Girls Cross-country Ski Teams from Leavitt Area High School, which includes the Towns of Turner, Leeds, and Greene. Before I talk about this, I want to mention that what I am going to say about the Leavitt Cross-country Teams, applies to all cross-country ski teams in the State of Maine. It is just that Leavitt was a step above this year, but I admire cross-country athletes, running and skiing. I have

experience with this. I coached cross-country running for several years and as you can imagine, the training that goes into cross-country running and cross-country skiing, is almost identical.

I admire these athletes for several reasons, and again, this is throughout the state. One, these athletes do not get the recognition and the exposure that many other sports do because they are not in confined areas, like basketball or football. They are out in the woods and they do not get the fans that want to go out into the woods and stand there, especially for cross-country skiing because of the weather and so forth.

The other thing about cross-country athletes is that it is a year-round commitment. In order to be successful, you have to train year-round. What I admire most, is the sportsmanship of cross-country athletes. They have a great comradery with other teams. They form friendships with other team members. It is not unusual to see coaches cheering on other teams as they go by in the trails, and for all of the teams to be cheering on members that come in on the tail end of a race. So, that is what I admire most about cross-country skiers.

I am not going to go through all of the accomplishments that were read to you. I do want to add though, that the Girls Cross-country Team also won the State Championships in 2000, 2003, and 2005. The Boys Cross-country Ski Team completed a three-peat, by winning in 2005, 2006, and 2007. So the old saying that "success breeds success," is certainly true in this situation.

Now, what does it take to become a Nordic ski champion? Well obviously, they need talent and skills, but I feel more importantly that it is the training. It is the head game. It is the heart. That is what makes a Nordic ski champion. They train year round. They log in many miles every week, either running or skiing, obviously, depending on the snow conditions. Most of these athletes are on the cross-country running team in the fall, now not all of them like running. I again, as a cross-country coach, I had several of my runners that were out there just to get ready for the ski season, but I may add that most of my best runners were also skiers. They do that in the fall so that they can be best prepared. Then after the ski season, most of them run the distance events in Track. Then as the school year ends, it is not unusual to see these athletes either running or roller-skating in their communities—so it is a year-round commitment and it is a lifestyle. It is watching what you eat. It is getting enough sleep. These are the things that these athletes do.

I also want to congratulate the coaching staff, Dustin Williamson and Jason Leavitt. It is tough enough to win one championship, but to have both Boys and Girls win in the same year, and win several years in a row, says something about the coaching staff. It takes talent, it takes dedication, it takes commitment, and it takes a lot so that they can motivate these young athletes.

Finally, I want to thank the Leavitt Girls and Boys Cross-country Ski Team, for their fine example for our community and especially for the youth of our community. Thank you and I hope you have continued success. Thank you, Mr. Speaker.

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

Recognizing:

the Leavitt Area High School Girls Cross-country Ski Team, on its successful season for the 2006-2007 school year. The team placed 2nd at the Sassi Memorial Race and the skiers were the 2007 KVAC Nordic champions. They also were the 2007 Class A Nordic champions, the 2007 Class A Classical champions and the 2007 Class A Nordic Overall champions. At the State meet, all 6 girls placed in the top 12 in both the freestyle and the classical race, the only team to accomplish this

achievement. We extend our congratulations to the team on its successful season;

(HLS 296)

Presented by Representative SIROIS of Turner.
Cosponsored by Senator NUTTING of Androscoggin, Representative LANSLEY of Sabattus, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative SIROIS of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Specialist Aron Linwood Peaslee, of Somerville, a graduate of Erskine Academy, class of 1999, who joined the Army National Guard during his junior year in high school, receiving full military honors. He served in Kuwait in the 1136th Transportation Company, 133rd National Guard and was a veteran of Operation Iraqi Freedom. He belonged to the Somerville Fire Department and the South Somerville Baptist Church. He worked for Windsor Ambulance and was the emergency management director for the Town of Somerville. He volunteered for Youth Promise in Lincoln County and Habitat for Humanity in Portland and Louisiana. He will be remembered for his contributions to the Somerville Day Association and for his generosity and giving of his time to help those who needed it. Specialist Peaslee will be sadly missed by all who knew and loved him;

(HLS 297)

Presented by Representative MILLER of Somerville.

Cosponsored by Senator DOW of Lincoln.

On **OBJECTION** of Representative MILLER of Somerville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Iraq War, I think, has touched us all in Maine, in every corner of our state, but in my little town of Somerville, Maine, lightning has struck twice. So I rise today, to honor Specialist Aron Linwood Peaslee of the 133rd National Guard, a veteran of Operation Iraqi Freedom, who died at his home last month.

Aron comes from a family that believes in volunteerism, believes in community, believes in service. He and his brother Eric served in the Middle East conflict together, at the same time, and they both came home with the dark shadows of their war experiences following close behind them. The return to civilian life is a challenge for many of our veterans and we as neighbors, friends, and family, must do all we can to help them through that transition. Aron will be remembered for his big, broad smile that would light up a room, his untiring devotion to volunteer firefighting and emergency response, and his love of trucks—the bigger the better. We honor today, Specialist Aron Peaslee for his service, and his family for their sacrifice. Thank you, Mr. Speaker.

At this point, the Members of the House stood and joined in a moment of silence in honor of Specialist Aron Linwood Peaslee, of Somerville.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-71)** on Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

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

Signed:

Senator:

SULLIVAN of York

Representatives:

BRAUTIGAM of Falmouth

CANAVAN of Waterville

CROCKETT of Augusta

TREAT of Farmingdale

CONOVER of Oakland

PRIEST of Brunswick

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

Signed:

Senators:

SNOWE-MELLO of Androscoggin

BOWMAN of York

Representatives:

VAUGHAN of Durham

RICHARDSON of Warren

SAVAGE of Falmouth

McKANE of Newcastle

READ.

Representative BRAUTIGAM of Falmouth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-66)** on Bill "An Act To Prohibit the Use of Nonnative Baitfish"

(H.P. 145) (L.D. 163)

Signed:

Senators:

BRYANT of Oxford

GOOLEY of Franklin

Representatives:

JACKSON of Allagash

RICHARDSON of Carmel

SAVIELLO of Wilton

FINCH of Fairfield

McLEOD of Lee

LUNDEEN of Mars Hill

BRYANT of Windham

WHEELER of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-67)** on same Bill.

Signed:
Senator:
PERRY of Penobscot

Representative:
EBERLE of South Portland

READ.

Representative JACKSON of Allagash moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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. 198) (L.D. 227) Bill "An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-76)**

(H.P. 217) (L.D. 261) Bill "An Act To Define More Clearly Procedures by Which a Municipality Assesses Property" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)**

(H.P. 270) (L.D. 340) Bill "An Act To Require the Replacement of Trees Cut in Shoreland Areas" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-77)**

(H.P. 399) (L.D. 521) Bill "An Act To Amend the Laws Relating to Juveniles" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-73)**

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. 292) (L.D. 362) Bill "An Act To Effect the Seizure and Disposal of Contraband Fireworks" (EMERGENCY)

(H.P. 423) (L.D. 545) Resolve, To Name the Bridge on Route 201 in Jackman over the Moose River the Veterans Memorial Bridge

(H.P. 535) (L.D. 704) Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 671) (L.D. 886) Bill "An Act To Clarify Certain Laws Related to Fire Safety"

(H.P. 245) (L.D. 301) Bill "An Act Relating to Alternate Directors for Public Waste Disposal Corporations" (C. "A" H-64)

(H.P. 275) (L.D. 345) Bill "An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances" (C. "A" H-60)

(H.P. 403) (L.D. 525) Resolve, To Stimulate Tourism Development Projects (C. "A" H-69)

(H.P. 518) (L.D. 687) Bill "An Act To Amend the Law Regarding Transactions at Financial Institutions" (C. "A" H-70)

(H.P. 666) (L.D. 876) Resolve, To Study Maine's Agricultural Creative Economy Sector (C. "A" H-68)

(H.P. 691) (L.D. 916) Bill "An Act To Permit the Sale of Antique Barometers" (C. "A" H-65)

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

BILLS IN THE SECOND READING

Senate

Bill "An Act To Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity"

(S.P. 651) (L.D. 1829)

House as Amended

Bill "An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs"

(H.P. 627) (L.D. 830)

(C. "A" H-61)

Bill "An Act To Clarify the Use of Insurance Scores"

(H.P. 801) (L.D. 1083)

(C. "A" H-72)

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

BILLS HELD

Bill "An Act To Allow Bayville Village To Separate from the Town of Boothbay Harbor and Affiliate with the Town of Boothbay"

(H.P. 1286) (L.D. 1846)

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

HELD at the Request of Speaker CUMMINGS of Portland.

On motion of Representative BARSTOW of Gorham, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On further motion of the same Representative, **TABLED** pending **REFERENCE** and later today assigned.

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

SENATE PAPERS

The following Joint Order: (S.P. 667)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 24, 2007 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 751) (L.D. 991) Bill "An Act To Clarify the Security Requirements for Self-insurers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

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

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

(H.P. 464) (L.D. 615) Bill "An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers" Committee on **HEALTH AND HUMAN SERVICES** 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.

At this point, the fire alarm sounded and the House was evacuated.

(After the fire alarm)

The House was called to order by the Speaker.

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

On motion of Representative MILLER of Somerville, the House adjourned at 11:25 a.m., until 10:00 a.m., Tuesday, April 24, 2007 pursuant to the Joint Order (S.P. 667) and in honor and lasting tribute to Specialist Aron Linwood Peaslee, of Somerville, Elmer G. Knowlton, of Millinocket and Arthur Tainter, of Bath.