

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
32nd Legislative Day
Wednesday, April 25, 2007

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

Prayer by Reverend Daniel C. Coffin, Small Point Baptist Church, Phippsburg.

National Anthem by Monmouth Middle School 4th Grade Chorus.

Pledge of Allegiance.

Doctor of the day, Richard Flowerdew, M.D., Falmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Joint Order To Create the Joint Select Committee on Prosperity

(H.P. 1018)

READ and PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) in the House on March 15, 2007.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "C" (S-19)** in **NON-CONCURRENCE**.

On motion of Representative PINGREE of North Haven, the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 198)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

April 17, 2007

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 992 Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Stanley J. Gerzofsky

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 199)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 17, 2007

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 753 Resolve, To Invest in Children and Families through Family Resource Centers

L.D. 1450 An Act To Create Equity in Hospital Charges

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

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 200)

STATE OF MAINE

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

April 17, 2007

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 578 An Act To Help Maine People Be Informed Medical Consumers

L.D. 842 An Act To Require Insurance Coverage for Infertility Treatments

L.D. 1066 An Act To Protect Consumers in the Insurance Industry

L.D. 1269 Resolve, To Study the Feasibility of Pine Tree Health Care Insurance Zones

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

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. John R. Brautigam

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 201)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON JUDICIARY

April 12, 2007

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 104 An Act To Protect Minors from Certain Bill Collectors
- L.D. 199 An Act To Improve the Lien Process
- L.D. 989 An Act To Extend Parental Support Obligations for College Students
- L.D. 1207 An Act To Amend the Mechanics Lien Laws

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 202)

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

April 18, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 1196 An Act To Protect Host Communities' Sovereign Rights
- L.D. 1204 Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities
- L.D. 1596 Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 203)

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

April 20, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333
Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 52 An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects
- L.D. 444 Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System
- L.D. 597 Resolve, To Regulate Blasting Operators
- L.D. 1270 Resolve, To Clarify the Definition of Smart Growth
- L.D. 1353 Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways
- L.D. 1359 An Act To Ensure the Availability of Existing Drinking Water Sources of Supply

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 204)

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

April 18, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 210 An Act Relating to the Use of Dealer Plates
- L.D. 266 An Act To Fully Fund the Project To Replace the Route 302 Bridge in Naples
- L.D. 496 An Act To Exempt Emergency Vehicles from Tolls on the Maine Turnpike
- L.D. 561 Resolve, To Direct the Department of Transportation To Establish a Rest Area on U.S. Route 9 between Calais and Brewer
- L.D. 644 An Act To Amend the Motor Vehicle Laws
- L.D. 766 An Act To Permit Operation of a Modified Show Vehicle on a Public Way
- L.D. 894 An Act To Establish a 6-month Registration Period for Farm Truck License Plates
- L.D. 1202 An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit a Traffic Safety and Rest Area Exception

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

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair

The Following Communication: (S.P. 673)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 11, 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 Jeanne Matava-Mattson of Hallowell for appointment
to the Land For Maine's Future Board.
Pursuant to Title 5 M.R.S.A. §6204, this nomination will require
review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

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

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

The Following Communication: (S.P. 674)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 13, 2007

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research
and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research
and Economic Development
123rd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:
Please be advised that Governor John E. Baldacci has
nominated Richard Kelso of Gardiner and James Donnelly of
Brewer for reappointment to the Maine Rural Development
Authority Board of Trustees.
Pursuant to Title 5 M.R.S.A. §13120-D, these nominations will
require review by the Joint Standing Committee on Business,
Research and Economic Development 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 **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**.

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

The Following Communication: (S.P. 675)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 20, 2007

Sen. Elizabeth M. Schneider
Senate Chair, Joint Standing Committee on State and Local
Government
Rep. Christopher R. Barstow
House Chair, Joint Standing Committee on State and Local
Government
123rd Legislature
Augusta, ME 04333

Dear Senator Schneider and Representative Barstow:
Please be advised that Governor John E. Baldacci has
nominated Elaine Clark of Orono for reappointment to the Maine
Government Facilities Authority.
Pursuant to Title 4 M.R.S.A. Section 1602, this nomination will
require review by the Joint Standing Committee on State and
Local Government 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 **STATE AND LOCAL GOVERNMENT**.

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

The Following Communication: (S.C. 221)

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

April 24, 2007

Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, ME 04333-0002
Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the
123rd Maine Legislature, please be advised that the Senate
today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the
nomination of Honorable Nancy Mills of Cornville for
reappointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the
nomination of Kevin M. Cuddy of Holden for appointment as a
Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the
nomination of Honorable Ellen A. Gorman of Auburn for
reappointment as a Superior Court Justice.

Upon the recommendation of the Committee on Agriculture,
Conservation and Forestry, the nomination of Benjamin R. Emory
of Salisbury Cove for appointment to the Land For Maine's Future
Board.

Upon the recommendation of the Committee on Agriculture,
Conservation and Forestry, the nomination of Leon A. Gorman of
Yarmouth for reappointment to the Land For Maine's Future
Board.

Upon the recommendation of the Committee on Agriculture,
Conservation and Forestry, the nomination of Diane Doyle of
Saco for appointment to the Land For Maine's Future Board.

Sincerely,

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

READ and ORDERED PLACED ON FILE.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Resolve

Joint Standing Committee on State and Local Government

Representative BARSTOW for the **Joint Standing Committee on State and Local Government** pursuant to Resolve 2005, chapter 168 asks leave to report that the accompanying Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY)

(H.P. 1308) (L.D. 1876)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Maine Health Data Organization

Representative PERRY for the **Maine Health Data Organization** 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 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1306) (L.D. 1874)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Audit

Representative PIOTTI for the **Department of Audit** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08" (EMERGENCY)

(H.P. 1307) (L.D. 1875)

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

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

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Katherine Q. Grondin, of Auburn, principal of Sherwood Heights Elementary School in Auburn, who has been named as Maine's 2007 Elementary National Distinguished Principal of the Year by the Maine Principals' Association. Mrs. Grondin has been at Sherwood Heights Elementary School for 17 years, first as a teacher and then assistant principal. She has been the principal since 2000. She received the award for her outstanding leadership and her commitment to excellence. She will be honored by the National Association of Elementary School Principals in cooperation with the United States Department of Education in Washington, D.C. in October 2007. We extend our congratulations to Mrs. Grondin on her receiving this well-deserved and distinguished award;

(HLS 305)

Presented by Representative SAMSON of Auburn. Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative SIMPSON of Auburn.

On **OBJECTION** of Representative SAMSON of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

Kevin Alley, of Machias, for his prompt action and attentiveness to Stanley Smith, an adjunct scuba diving instructor, after Mr. Smith collapsed at the pool at the University of Maine at Machias' Center for Lifelong Learning. Mr. Alley, the University's Aquatics Director, along with student lifeguard Melissa Johnson, performed cardiopulmonary resuscitation in an attempt to revive Mr. Smith, who was experiencing a heart attack. Observing that Mr. Smith had no pulse, Mr. Alley used the University's defibrillator and, with Ms. Johnson, resumed CPR. Doctors at both medical centers at which Mr. Smith was cared for commented that if care had not been administered immediately, Mr. Smith surely would have suffered brain damage. Due to Mr. Alley's bravery and composure, Mr. Smith was able to return to work only one week later with his full health restored. We wish to express our admiration and appreciation of Mr. Alley's heroism;

(HLS 332)

Presented by Representative EMERY of Cutler. Cosponsored by Senator RAYE of Washington, Representative PERRY of Calais, Representative McFADDEN of Dennysville, Representative McLEOD of Lee, Representative TIBBETTS of Columbia.

On **OBJECTION** of Representative CROSTHWAITE of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Melissa Johnson, of Stevens Point, Wisconsin, a student at the University of Maine at Machias, for her prompt action and attentiveness to Stanley Smith, an adjunct scuba diving instructor, after he collapsed at the pool at the University of Maine at Machias' Center for Lifelong Learning. Ms. Johnson, a student lifeguard, along with the school's Aquatics Director, Kevin

Alley, performed cardiopulmonary resuscitation in an attempt to revive Mr. Smith, who was experiencing a heart attack. Doctors at both medical centers at which Mr. Smith was cared for commented that if care had not been administered immediately, Mr. Smith would surely have suffered brain damage. Due to Ms. Johnson's bravery and composure, Mr. Smith was able to return to work only one week later with his full health restored. We wish to express our admiration and appreciation of Ms. Johnson's heroism;

(HLS 333)

Presented by Representative EMERY of Cutler. Cosponsored by Senator RAYE of Washington, Representative PERRY of Calais, Representative McFADDEN of Dennysville, Representative McLEOD of Lee, Representative TIBBETTS of Columbia.

On **OBJECTION** of Representative CROSTHWAITE of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

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

Expression of Legislative Sentiment recognizing Katherine Q. Grondin, of Auburn.

(HLS 305)

Which was **TABLED** by Representative PINGREE of North Haven, pending **PASSAGE**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Samson.

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to recognize Katherine Q. Grondin, as recipient of Maine's 2007 Elementary National Distinguished Principal of the Year. Mrs. Grondin is the very successful Principal of Sherwood Heights School in Auburn. The award recognizes Mrs. Grondin for her effective leadership, commitment to academic excellence, high expectations of her teachers and students, and creating a culture that supports learning and community service. The citizens of the City of Auburn and the children of Sherwood Heights are very proud of Mrs. Grondin and we are thankful to have her as principal in our city. I am proud to share her achievement and I hope you join me in congratulating Principal Grondin.

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

**REPORTS OF COMMITTEE
Change of Committee**

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act To Authorize a Local Bond Issue for Solid Waste, Storm and Drainage Issues and Transfer Stations"

(S.P. 379) (L.D. 1191)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Establish a Discounted Cable Rate for Senior Citizens and Assisted Living Facilities"

(S.P. 77) (L.D. 240)

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLANCHARD of Old Town
CURTIS of Madison
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
HINCK of Portland

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-86)** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

(H.P. 103) (L.D. 111)

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-87)** on same Bill.

Signed:

Senators:

SCHNEIDER of Penobscot

BRANNIGAN of Cumberland

Representative:
BOLAND of Sanford

READ.

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

Nine Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-117)** on Bill "An Act To Ban Salvia Divinorum"

(H.P. 64) (L.D. 66)

Signed:
Senators:
DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:
GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
HASKELL of Portland
SYKES of Harrison

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-118)** on same Bill.

Signed:
Representatives:
BLANCHETTE of Bangor
TIBBETTS of Columbia

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
GERZOFSKY of Brunswick
KAENRATH of South Portland

READ.

Representative GERZOFSKY of Brunswick moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am just going to call your attention to the fact that this is a very hallucinogenic drug—excuse me, my mouth is not working today, that is a problem for a politician—but it needs to be a controlled substance, the same as marijuana. I know members of this Legislature have had lengthy debates in committees about medical marijuana. This can cause the same type of things. We have had people that have come and testified that this is an extremely habit-forming drug that needs to be a controlled substance. So, I would at this time, ask you to vote against the

pending motion to adopt Committee Amendment "A" to LD 66. I would just ask to vote against this. Thank you.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Salvia Divinorum is an herb. It is a species of sage, not found naturally here in the northeast—it is found in the southwest. It has been for sale in tobacco shops, here in the State of Maine, for the last 10 to 15 years. It is indeed a hallucinogenic drug.

The testimony that we heard in Committee, was that there are no known problems in the State of Maine, only four of hundreds of countries have banned this particular substance. The Federal Drug Enforcement Agency has not banned it—it is simply on a Watch List for them. Efforts to make this illegal at the federal level have never made it out of committee. Only five states in this country have actually banned it. The Maine State Police, the Sheriff's Department, the prosecutors, presented no testimony on this. The Maine Drug Enforcement Agency, again, presented no testimony and simply told us that they would be available to answer any questions we may have. It has been legal in the State of Maine for the last 10 to 15 years. There are no known problems, no crime related issues, no traffic accidents related to Salvia Divinorum.

The Committee Amendment "A" does make this a civil offense if you are under 18 and you possess or use Salvia Divinorum, which can be chewed, ingested, or swallowed. The Committee felt that making this similar to tobacco laws, it is a civil offense making it similar to the 18 year old not being able to possess or buy tobacco, was appropriate. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as the sponsor of this legislation and with the spirit of compromise, speak in favor of the pending motion. The original bill that I put in was closest to the version of Committee Amendment "B," which would be an outright ban of this herb and this drug, which is very addictive.

In my opinion and the data I have read, can have negative consequences for the user of it, as well as indirectly to those that may be associated with those that use it. However, when we went through the process and with the understanding that this is a new hallucinogen that is out on the market, in the spirit of compromise, I supported the pending motion that is before us out of the Committee, with the understanding that we need to find out more information on this and hope that maybe we can come back for a future Legislature and look to ban it, as I proposed in my original bill.

Further, we are taking a step forward, in the respect that we do not have a law on the books at all governing Salvia Divinorum. If you are under 18, yes you cannot purchase a tobacco product, but you could legally go in and purchase this product, which is far greater in its drug form. So, I would ask in the spirit of compromise that my colleagues vote in support of this motion, with the hope that we can gather further information in the next couple of years, and look to move forward and ban this outright in the future. Thank you, Mr. Speaker.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you can see on your Calendar, I am on the Committee Report "C," Ought Not to Pass at all. I think, when we dealt with this bill in Committee, we had to be a little bit more judicious in the laws that we are

creating and the jails that we are filling up, and the crimes that we are filling up those jails with.

After our Hearing and talking to the Committee members and realizing that the Majority Report of basically treating this plant like tobacco, having restrictions against children buying it in the stores, but understanding that adults are going to do what adults do and seeing no real harm in this, and knowing that they have not really outlawed this any place else in the country, we saw no real reason to. We have an overcrowded prison system right now. I do not think we need to add "Salvia heads" to that list. I do not really see the harm. That the Majority Report is going to take care of this. We are going to let our children know that they cannot have it and adults can judge for themselves. We found no real compelling evidence to ban a plant that people are growing in their backyards right now. My town Audubon Society is planting it along the highways in Brunswick. We see no real issue with this bill, so I would recommend that you vote Ought to Pass, the Majority Report. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Columbia, Representative Tibbetts.

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. Back in 1996, I was in charge of an organization, or I was actually the Chief Deputy of the Sheriff's Department, and a couple of my Deputies came to me and asked if we had any money to buy drugs. At that time, it was a prescription drug and it was valium.

Also, at that time I happened to be acquainted with a good friend, with the Task Force Operator for the Maine Drug Enforcement Agency and we borrowed \$200, and we bought \$200 worth of valium and took it off the street and this was 1996, nine years ago—I mean 11 years ago, I am sorry my math is not good this morning—but 11 years ago. Within five years, we had a serious pill problem in Washington County. Now we have a serious pill problem across the state with synthetic opiates.

I just feel that I cannot consciously vote to have a hallucinogenic drug sold legally in our stores in Maine. Even the owner of the tobacco shop agreed that this was the same as marijuana and should be treated the same. I heard no testimony at all that it was not a hallucinogen. As a matter of fact, there was a package that was passed around. I read on it that it was a hallucinogen and should not be used without a responsible person present. So like I say, I cannot support anything but the original bill and Amendment "B". Thank you very much.

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

ROLL CALL NO. 34

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fitts, Flood, Gerzofsky, Gifford, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hogan, Hotham, Jackson, Joy, Kaenrath, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, McDonough, McKane, Millett, Mills, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury.

NAY - Blanchette, Curtis, Finley, Fletcher, Giles, Hinck, Jacobsen, Marley, Mazurek, McFadden, McLeod, Miramant, Pinkham, Strang Burgess, Thibodeau, Tibbetts, Walker, Weaver.

ABSENT - Berry, Berube, Blanchard, Cressey, Dunn, Emery, Fisher, Greeley, Hill, Knight, Miller, Richardson E, Rines, Mr. Speaker.

Yes, 118; No, 18; Absent, 14; Vacant 1; Excused, 0.

118 having voted in the affirmative and 18 voted in the negative, 1 vacancy, with 14 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-117)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 26, 2007.

CONSENT CALENDAR

First Day

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

(H.P. 66) (L.D. 68) Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)**

(H.P. 340) (L.D. 424) Bill "An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)**

(H.P. 528) (L.D. 697) Bill "An Act To Amend the Laws Relating to Department of Corrections Facilities" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)**

(H.P. 844) (L.D. 1151) Bill "An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 1210) (L.D. 1727) Bill "An Act To Require Veterinarians To Notify Municipalities of Rabies Vaccinations of Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)**

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

(H.P. 538) (L.D. 717) Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)**

On motion of Representative PINGREE of North Haven, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 55) (L.D. 144) Bill "An Act To Support Maine's Free Clinics" (C. "A" S-36)

(S.P. 142) (L.D. 441) Bill "An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local Authorities" (C. "A" S-33)

(S.P. 292) (L.D. 904) Bill "An Act To Make Technical and Supervisory Amendments to the Banking Laws" (C. "A" S-34)

(H.P. 41) (L.D. 40) Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 537) (L.D. 716) Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services (EMERGENCY)

(H.P. 643) (L.D. 844) Bill "An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information"

(H.P. 928) (L.D. 1320) Bill "An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government"

(H.P. 1172) (L.D. 1663) Bill "An Act To Modify Daylight Savings Time According to Federal Statute"

(H.P. 24) (L.D. 21) Resolve, To Provide Access for Persons with Disabilities to Great Ponds (C. "A" H-82)

(H.P. 60) (L.D. 62) Bill "An Act To Recognize Gold Star Parents and Family Members" (C. "A" H-84)

(H.P. 74) (L.D. 76) Bill "An Act To Eliminate the Fee To Operate High-stakes Beano" (C. "A" H-83)

(H.P. 101) (L.D. 109) Bill "An Act To Require a Model Radon Standard for New Residential Construction" (C. "A" H-78)

(H.P. 119) (L.D. 127) Bill "An Act To Amend the Laws Pertaining to Beano" (C. "A" H-115)

(H.P. 132) (L.D. 150) Bill "An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority" (C. "A" H-92)

(H.P. 191) (L.D. 220) Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault" (C. "A" H-93)

(H.P. 345) (L.D. 429) Bill "An Act To Improve Access to HIV Testing in Health Care Settings" (C. "A" H-90)

(H.P. 379) (L.D. 495) Bill "An Act To Add the Combat Infantryman Badge to the Special Commemorative Decals for Veterans License Plates" (C. "A" H-107)

(H.P. 401) (L.D. 523) Bill "An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries" (C. "A" H-109)

(H.P. 469) (L.D. 620) Bill "An Act Relating to Liquor Samples" (C. "A" H-101)

(H.P. 512) (L.D. 663) Bill "An Act To Update Absentee Ballot Procedures" (EMERGENCY) (C. "A" H-102)

(H.P. 526) (L.D. 695) Bill "An Act Concerning Applications Processed by the Maine Land Use Regulation Commission" (C. "A" H-95)

(H.P. 561) (L.D. 740) Bill "An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers" (C. "A" H-98)

(H.P. 586) (L.D. 765) Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office (EMERGENCY) (C. "A" H-79)

(H.P. 594) (L.D. 776) Bill "An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008" (EMERGENCY) (C. "A" H-100)

(H.P. 612) (L.D. 812) Bill "An Act To Amend the Driver's License Laws" (C. "A" H-99)

(H.P. 613) (L.D. 813) Bill "An Act To Provide an Energy Allowance to At-home Patients Using Ventilators" (C. "A" H-89)

(H.P. 731) (L.D. 971) Bill "An Act To Amend Certain Animal Health Laws" (C. "A" H-80)

(H.P. 734) (L.D. 974) Bill "An Act To Amend the Certification Requirements for Special-purpose School Teachers" (C. "A" H-103)

(H.P. 747) (L.D. 987) Bill "An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse" (C. "A" H-110)

(H.P. 754) (L.D. 1036) Bill "An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor" (C. "A" H-88)

(H.P. 758) (L.D. 1040) Bill "An Act To Increase College Attainment" (C. "A" H-104)

(H.P. 781) (L.D. 1063) Bill "An Act Regarding Cable Television Service Outages" (C. "A" H-111)

(H.P. 809) (L.D. 1091) Resolve, To Establish the Maine Civil War Sesquicentennial Commission (C. "A" H-85)

(H.P. 817) (L.D. 1124) Bill "An Act To Create an Ownership Interest in Agency Liquor Store Licenses" (C. "A" H-116)

(H.P. 828) (L.D. 1135) Bill "An Act To Allow Municipal Cost Sharing for County Services" (C. "A" H-81)

(H.P. 876) (L.D. 1234) Bill "An Act To Require Clear Warnings on Light Bulbs Containing Mercury" (C. "A" H-97)

(H.P. 885) (L.D. 1257) Bill "An Act Regarding the Terms of Members of the Maine State Museum Commission" (C. "A" H-105)

(H.P. 921) (L.D. 1303) Bill "An Act To Establish the Columbia Falls Village Water District" (C. "A" H-112)

(H.P. 974) (L.D. 1382) Bill "An Act To Create a Utility District in Edgecomb" (C. "A" H-113)

(H.P. 1016) (L.D. 1447) Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species (C. "A" H-91)

(H.P. 1165) (L.D. 1656) Bill "An Act To Amend the Fryeburg Water District Charter" (EMERGENCY) (C. "A" H-114)

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

**ENACTORS
Acts**

An Act To Make Failure To Wear a Seat Belt a Primary Offense
(S.P. 22) (L.D. 24)
(S. "A" S-35)

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

On motion of Representative MARLEY of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Landowner Relations"

(H.P. 277) (L.D. 347)

TABLED - March 21, 2007 (Till Later Today) by Representative JACKSON of Allagash.

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

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act To Protect Consumers from Rising Health Care Costs"

(S.P. 664) (L.D. 1849)

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

TABLED - April 10, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **REFERENCE IN CONCURRENCE**.

On motion of Representative PERRY of Calais, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**, and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-71)** - Minority (6) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

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

TABLED - April 11, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

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

Representative MCKANE of Newcastle **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 PRO TEM**: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I could just take a moment, to explain what this bill is. I think the best way to begin that explanation is by asking a question—whether the members of the House are aware that your credit score has an impact on your insurance premiums? Your credit score, determined by your faithfulness and regularity in paying your bills and keeping your accounts up to balance and so on, can impact the amount that you pay for your property tax, the amount that you pay for your property and causality insurance on your automobile, your home, etc.

Most of us on the Committee were very surprised to learn that in fact, your insurance premium can be impacted by your credit score. It did not make a lot of intuitive sense to us that one late payment on an unrelated bill or account, might cause your premiums to go up. We heard a lot of discussion about it, but we did conclude that in fact, it is a common practice. Under a bill passed earlier this session, we gave consumers the right to challenge their insurance premium, to recalculate their premium, if in fact there had been an error in their credit score and that had

impacted their premium. This was a good measure. It was unanimously supported in the Committee and it is on its way to becoming law, but there remained some unfinished work.

If indeed, consumers have the right to challenge their insurance company premium on the basis of an incorrect, erroneous credit score—and we did hear information that credit scores are often incorrect—there is little use to have that right, unless you have access to information that in fact your credit score is being used in that way. We found that the disclosure that is made is minimal and I assume most people in this Chamber were completely unaware that this is a common practice. This bill simply gives the consumer information needed to be able to challenge the higher premium, if indeed, the credit score is incorrect—go back, challenge your credit score, and then have the premium readjusted. It is a very simple disclosure bill.

There are many on the Committee that wanted to go even farther and prohibit the practice of using a credit score in calculating your insurance premium. Legislation now has in fact moved forward in other states, but this is sort of a compromise position, only requires disclosure. It empowers consumers to be in control of their interactions with their insurance company. Thank you, Mr. Speaker, Men and Women of the House. I appreciate your support, follow my light. Thank you.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, first, want to commend the Chair and the Majority Report of this Committee, for a very moderate and thoughtful response to what I think is a very serious issue. How often do we hear that we should consider the pocketbooks of Maine people, when we press red or green? Now is our chance, with this vote, to act on those values by at least giving Maine citizens a reasonable notice.

Right now, in the United States, big insurance companies use a secret methodology, literally secret, to increase the premiums of Maine citizens. Sure, we know that if you crash your car, your premium is going to go up. That increase is directly related to your conduct and your insurance—that makes sense—but most Mainers do not know the Consumer Reports studied how the insurance corporations used this secret calculation to increase prices.

In Consumer Reports—listen to this example—a 28 year old, male driver, with a clean record and no accidents, pays \$1,251 per year for car insurance. Keep this number in mind, all right? I will give you two scenarios. First scenario: If this driver has an accident on their record, in which he is at fault, his premium increase is about \$200 to \$1,447. Second scenario: Same guy, no accident whatsoever, happens to have a bad credit rating for whatever reason—I will get into that in a moment—insurance corporations jack up his premium by over \$1,300, to a total of more than \$2,600 per year. That is right, less than \$200 for the at-fault accident, over double—double—the entire premium for something not related to the driving. Get this: It is tabulated in a formula that the insurance corporations specifically want to keep secret. Is there anything more "big brother" than a system in which secret calculations can double your car insurance premiums? Secret and arbitrary—\$1,300 for a working income person—that is a gouge to the pocketbooks of Maine people. So, if you care about the pocketbooks of Maine people, here is your chance, right now, to do something about it, by pressing in support of the pending motion.

When these insurance bureaucracies engage in their secret calculations, these large bureaucracies—surprise, surprise—sometimes make mistakes. It happens, but unfortunately because the way the system is now, we do not even often know

enough to ask, to find out what is happening with the errors that affect our premiums. This methodology is kept so that we do not have that opportunity.

Another example: If two Maine citizens engage in the exact same conduct have their rating calculated by two different rating companies, they can suffer dramatically different premium hikes for the exact same behavior—again, secret and arbitrary.

Another example: Maybe you want to get frequent flyer miles, so you apply for three credit cards during the course of the last year. Unrelated to that you check into a couple of loans—though this is not related to health if it is health insurance, not related to driving if it is driving insurance. What you see there is reasonable credit conduct on your part and yet insurance corporations, according to Consumer Reports, often will charge more for your premium and do so with this top-secret method. In Law school, we were taught the phrase "arbitrary and capricious." One thing I will tell you, if any government subject to the Constitution of the United States of America, whether it is federal, state, or local, acted in this arbitrary fashion, it would be struck down by any court in the land. Premium jacking like this is really a private tax on Maine citizens, except for there are three big differences. One, public taxes must be voted on in public. Two, public taxes must be imposed equally on like situated citizens. Three, public taxes support community goals such as roads and healthcare.

This secret methodology is something that is unfair to Maine people. Right now, you have a chance to follow the lead of this Chair, to follow the Majority Report of this Committee, and do something that at least gives people some reasonable notice, so that they can inquire about how this secret calculation is affecting their premium. Let's vote for the citizens of Maine and vote for the consumers and support the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, most insurance companies are already disclosing that they use credit scores to calculate your risk—and it is about risk.

Statistically, if you have a bad credit, your risk is greater for personal lines insurance. Also, if you have a red car, if you choose to buy a red car, the chances are better that you are going to get in an accident. It is a statistic and they use it. Should they disclose that too? There are 30 other, at least, criteria for personal lines that insurers use. You can go to the Bureau of Insurance website and find out about all of them. The chances are very good that in Maine, your insurer is already going to tell you about them. If your premium goes up or down because of your credit score, or if it goes up or down for any reason, you can always pick up the phone and find out why it went up or down.

I also would recommend that when you buy insurance, shop around—shop around—it is called competition and we are in a free market here. If you do not like the rates that you are getting, or that you have been offered, go to the competitor in town—that is the way to do it here. It is not to impose another regulation that insurers are going to have to put up with that is going to be another little letter that they have to remember to send out, some more compliance. Again, I would say that this is unnecessary and to go to the Department website if you want to find out about how they calculate your premiums. Thank you, Mr. Speaker.

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

Representative **McLEOD**: Thank you, Mr. Speaker. I would like to pose a question through the Chair to anybody who may wish to answer it.

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **McLEOD**: Mr. Speaker, I would like to know if your social security number is tied to the use of credit scoring for insurance purposes.

The SPEAKER PRO TEM: The Representative from Lee, Representative McLeod has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to add one other point. Presently, there are 1,000, about, insurance companies servicing the folks, the citizens of Maine. I would say that if there is a problem with your rate because you just have received it, your bill, again, I do recommend making a phone call because certainly there are enough companies out there. I am truly nervous that if we pass something like this and is an additional cost to an insurance company, maybe in fact, the cost is going to be in the form of a premium increase just due to the extra work that they are going to have to put out there. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you, Mr. Speaker. I would also like to pose a question through the Chair to the body.

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **THIBODEAU**: Mr. Speaker, that is that we have been told that our insurance companies may use this credit score to affect our insurance pricing. I am wondering if that also can be used in the other way. We have heard about the negative aspect, but if you have a good credit score and have been a responsible citizen and paid your bills and have a good credit score, will this also reduce your rates? Thank you.

The SPEAKER PRO TEM: The Representative from Winterport, Representative Thibodeau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmingdale, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To respond to the good question of the Representative, indeed that is the purpose of this legislation, which would require information about whether it is affecting your score, whether positively or negatively. If I may go on, Mr. Speaker, to make three points—those would be that disclosure, which is what this Committee Report does, is not regulation. Secondly, disclosure aids competition and shopping around, which we have been urged to do by those who pose the bill. Thirdly, this bill is consumer protection that is no way burdensome to the industry, and thus I urge your support of the Majority Ought to Pass Report.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have often wondered why, to insure our two cars and two snowmobiles, it was only \$700 a year for my wife and I. I think that maybe it is our credit. Thank you.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was urged by the good Representative from Bangor, Representative Faircloth, to consider the wallets and purses of the people of the State of Maine. I am doing that and I would like you to continue to do that as well.

What does this mean, okay? The working people, particularly the working poor people of the State of Maine, are required to have insurance in order to drive their cars. These are the very same population that are likely to suffer poor credit ratings, not because they enjoy having poor credit, but because they are forced to make decisions of whether to put dinner on the table, or to catch up with that credit card payment that they were encouraged to use, so that they could stimulate the marketplace. What does this do to them? Their insurance rates go up, their ability to pay their bills becomes even more difficult, their likelihood to be able to drive their cars to work is diminished, and then they are likely to suffer losing their license entirely and paying even more penalties. We need to consider that before we vote on this, and I urge to do that and vote in favor of this motion. Thank you, Mr. Speaker, Men and Women of the House.

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. 35

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

NAY - Annis, Austin, Beaulieu, Browne W, Cebra, Chase, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Walker, Weaver, Woodbury.

ABSENT - Berry, Berube, Blanchard, Cressey, Emery, Fisher, Hill, Knight, Miller, Richardson E, Rines.

Yes, 88; No, 51; Absent, 11; Vacant, 1; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, 1 vacancy, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-71)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 26, 2007.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-74) - Committee on MARINE RESOURCES on Bill "An Act To Make Lobster Trap Molesting a Civil Offense" (H.P. 18) (L.D. 16)

TABLED - April 24, 2007 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative PERCY of Phippsburg moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 36

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Fischer, Gerzofsky, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hinck, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Koffman, Lewin, MacDonald, Makas, Marean, Marley, McDonough, McFadden, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thomas, Treat, Trinward, Valentino, Vaughan, Wagner, Walcott, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cebra, Chase, Cleary, Duprey, Eaton, Finch, Finley, Fitts, Fletcher, Flood, Giles, Hayes, Hogan, Lansley, Lundeen, Mazurek, McKane, McLeod, Moore, Pilon, Pinkham, Plummer, Rector, Robinson, Savage, Strang Burgess, Thibodeau, Tibbetts, Tuttle, Walker.

ABSENT - Berube, Blanchard, Cressey, Emery, Fisher, Hill, Knight, Miller, Richardson E, Rines.

Yes, 110; No, 30; Absent, 10; Vacant, 1; Excused, 0.

110 having voted in the affirmative and 30 voted in the negative, 1 vacancy, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-74)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 26, 2007.

Bill "An Act To Preserve Maine's Quality Places"

(H.P. 1305) (L.D. 1872)

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - April 24, 2007 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - REFERENCE.

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

SENATE PAPERS

Bill "An Act To Amend the Laws Governing Stalking"

(S.P. 681) (L.D. 1873)

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

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

CONSENT CALENDAR
First Day

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

(S.P. 16) (L.D. 41) Bill "An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 137) (L.D. 436) Bill "An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 154) (L.D. 467) Bill "An Act Regarding the Protection and Advocacy Agency Advisory Council" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 89) (L.D. 252) Bill "An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

(S.P. 144) (L.D. 443) Bill "An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(S.P. 208) (L.D. 671) Bill "An Act To Amend the Laws Dealing with the Posting of Gas Prices" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)**

(S.P. 209) (L.D. 672) Bill "An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-42)**

(S.P. 219) (L.D. 682) Bill "An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)**

(S.P. 228) (L.D. 711) Bill "An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(S.P. 240) (L.D. 791) Bill "An Act To Ensure Equitable Geographic Representation on the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-43)**

(S.P. 273) (L.D. 880) Bill "An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**

(S.P. 281) (L.D. 883) Bill "An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications" Committee on **HEALTH AND HUMAN SERVICES** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-40)

(S.P. 286) (L.D. 898) Bill "An Act To Increase Educational Opportunities in the Kennebec Valley Region" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-44)**

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 items appeared on the Consent Calendar for the First Day:

(H.P. 1235) (L.D. 1769) 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) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 492) (L.D. 643) Bill "An Act To Clarify Certain Equipment Provisions for Motor Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)**

(H.P. 639) (L.D. 840) Bill "An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)**

(H.P. 640) (L.D. 841) Bill "An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-130)**

(H.P. 1002) (L.D. 1428) Bill "An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-131)**

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

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

An Act To Make Failure To Wear a Seat Belt a Primary Offense

(S.P. 22) (L.D. 24)
(S. "A" S-35)

Which was **TABLED** by Representative MARLEY of Portland pending **PASSAGE TO BE ENACTED**.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to explain the Senate Amendment before people voted on this. Several things were added.

After the last debate on this, many people came forward and approached us and said there were certain things, in particular, that really made them have to pause in support of this legislation, so we tried to address those things. The first one was a built-in six-month grace period before the law would go into effect and it would become a primary offense. The second thing is we asked the advocates to go out and look for something that would address the piece around the search issue, so we found that several states have done it.

So, the summary of the Senate Amendment that you will be voting on, as part of this bill, is this bill prohibits searches of vehicles and occupants solely because of a violation of the mandatory seat belt law—a number of people had real concerns around that. To go even further, several states also, upon passage, approached representatives of the groups that are opposed such as ACLU and had them involved in the implementation strategy, to give them the vantage point to maunder this law. So I am currently drafting a letter to the Public Safety and ACLU, saying this is a concern and we have tried to address it, but you know, I think we are trying to be as inclusive as we can in this. So that is the amendment that you will be voting on today.

The other thing that I would just like to point out, and I understand the emotions on all the different sides, many of us whenever we have a bill before us—I think you noticed we had a sign bill in Transportation. I started noticing the size of signs and the placement—it just becomes second nature—but the sad thing is, whenever you see an accident reported in the news, I immediately, I will be honest, look to see if the occupant was buckled or not. We heard anecdotal evidence during the last debate that it is not 100 percent—we understand that—but statistically you are more safe, more likely to survive a crash if you are seat belted. We had several—one of our Colleagues down the hall mentioned a 20-year-old man—there was a two-car head-on accident. The 20-year-old man did not survive, he was not seat belted. The 39-year-old man was in fact wearing his seat belt and because of that and the airbags survived the accident.

In Sebago, there were two young drivers, I believe, in an accident—the one seat belted survived, the other was ejected from the vehicle and killed. Then probably the most public of all of these is the Governor of New Jersey. Just think about—Governor Corzine's left femur bone was fractured, it punctured two holes through his skin. He lost about half of the blood in his body, requiring seven units during surgery, broke six ribs on each side along with his sternum, collarbone, and lower vertebra. Obviously, speed was involved there too, as was said, unfortunately. The other occupant of the vehicle, once again, was seat belted and has much less dramatic injuries.

I appreciate everybody who has approached us on this bill and I just want to remind you of a couple of the statistics. As far as, in Maine, if we had a primary seat belt law, it is approximated that 10 lives would be saved a year, 155 serious injuries, as well as \$33 million in associated costs. New Hampshire, who has no seat belt law, currently, their House of Representatives passed this with a pretty good margin. It has not become law yet, but they see it, a number of states see it in over half of the states in the country, and I hope you will support Enactment. Thank you very much.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I still have questions. You cannot rewind an accident. So how is it that those who quote all of these statistics can be so sure? Why is it okay to do something a little at a time that we would never think of doing all at once? If making this seat belt law a primary offense was such a good idea, why did this body not do it when it passed the original bill, years and years ago? Is this really what we want our police officers doing? Is this what we want them spending their time on, or are there not more important things for police officers to be doing with their limited time, than worrying about whether we have our seat belt buckled or not. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Now, police officers stop us now just for having a taillight out. So I do not see why they would not stop us for a safety, something as important as a seat belt, when they stop you for a rear light. I will be voting for this.

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

Representative **CEBRA**: Thank you, Mr. Speaker. I have a question to pose to the members of the House through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **CEBRA**: Thank you Mr. Speaker. Having read the amendment on this piece of legislation, I have a questions as to whether or not—does this amendment now mean that if a law enforcement officer were to stop someone, and they were to see an open bottle of liquor on the seat next to them, that the officer would have to allow them to proceed and leave that unanswered?

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not a law enforcement officer, but my understanding is this would basically be that if they pulled them over and there was no other citation being written up. If there is probable cause, would be the legal term, to continue a search—I get a nod from my legal counsel to the right, so I am in the ballpark—a search would continue if you had a weapon on the seat, I would assume, if you were obviously intoxicated, any of those. So this is strictly around a violation, as far as a primary violation of the seat belt law.

If I may just address Representative Thomas—I would personally say that I cannot think of a more important job for the law enforcement officer then potentially saving a life. The good Representative who spoke afterwards, spoke about we pull them over for taillights, we mentioned the wipers when your lights are supposed to be on, this is truly public safety. It is not 100 percent foolproof, we acknowledge that, but statistically, time and again, it is proven to save lives. So I hope you will support Enactment.

Representative THOMAS of Ripley **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not wear my seat belt as much as I should. I think if this law passes, I will probably wear it more. But if I vote for this law and it passes, I am going to wind up being fined sooner or later, probably. Sometimes we have to yield to those people that know more about stuff than we do. I have yet to meet an EMT or trauma doctor that does not say this is important. Thank you.

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

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have a seat belt law. We are not talking about a seat belt law. The right to be able to drive down the street and not be harassed is what we are talking about—our Fourth Amendment. If you are over 18 years old and you want to make a choice not to wear it, someone made that choice and the argument that it cost us more money does

not apply—the man died. He made a choice. He was old enough to make that choice. We take many risks. We should be allowed to take those risks. We should protect those who cannot make those choices. That is why I speak against this. 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 agree with the previous Representative on his points. Just to bring up the fact that this body consistently has bills in it for helmet safety while riding motorcycles. It seems like no one wants to touch that issue and we all know that that would save a lot more lives per accident. I am voting against this. If you want to be out there and you do not want to wear your seat belt, I feel that is your choice.

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 promise to be brief. It is my understanding that driving in this state is a privilege, it is not a right. We put limitations on it—we make sure that you are 16 years old, we make sure that you have to get a drivers license. There are some things that we do for public safety for a reason. I personally think it is not too much to ask for your public safety, for my public safety, and for the rest of the citizens of the State of Maine, that we ask you to wear your seat belt and then if you do not, we make it against the law—it is already. All I am asking for is to allow officers to do their job and go to fewer fatal car wrecks, which is part of their job, then they do now. That is what this is about. It has been shown that almost 10 percent, there is almost an increase of 10 percent in compliance with wearing your seat belt if there is a primary enforcement law.

I think we have done a good job addressing the civil liberties issues that we are talking about, that the good Representative from Camden and from Naples, have brought to the floor front here. I do not think it is too much to ask. We have already taken away that civil liberty. We have already said in this state that it is a law that you have to wear your seat belt. All we are asking is to allow these officers to do a very important job, which is do their job—enforce the law. Thank you very much. I appreciate your time and I will be voting in favor of primary enforcement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have heard from the Chair and others and have weighed the benefits and detriments of this particular legislation, and honestly, I have found the benefits to be wanting. I believe that we give up too much liberty in this particular situation. Liberty may be abstract to some, but liberty truly is within our nature.

Those that you have heard speak in favor of this bill today, say that it will save money and lives and there is only one more step. I am sure that we have all heard the analogy that one more step is the difference between admiring the view from the top of the cliff and admiring it from below. I would submit that that is something that we are faced with here today.

I remember a resolution that we passed not so long ago, a resolution regarding Real ID, and that was implementing or seeking to implement a National ID card. I have not forgotten the Resolution, or protesting Real ID, and perhaps I am naïve to believe that sentiment that we passed not so long ago, but it was only one more step—we already have a driver's license. It will save thousands of lives and money, we are told, by preventing

terrorist attacks, but I would submit that again. There is a situation where we all came together as a body, and determined that liberty was more important.

I would also submit that besides the abstract concept of liberty, roadblocks would be an enforcement mechanism to enforce this bill and that is something that we should consider as well. I want to just end my comments with a quote from former Supreme Court Justice Louis Brandeis. He said this, "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

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. This is not a unique situation that we have in front of us. Anybody who wants to go hunting today during hunting season, you have to wear florescent colors and you can only have a certain number of bullets in your gun. So, if you are going to tell me this is a loss of my freedom and my liberties, I am glad because it is not going to kill me. Thank you very much.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I served in this body ten years ago or so and we never would pass a seat belt law. We just felt uncomfortable about the liberty, so we put it out to referendum. The people of the State of Maine voted to have a seat belt law. It was not this body. It was not the other body. It was the people of the State of Maine. What we have done since then, is not enabled our law enforcement to enforce the law that the people of the State of Maine passed. So I am going to support this and I encourage you too. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative **MUSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In its original form, I was very much on the fence about this bill. I like it much better in its amended form, but because I had doubts about it, I asked my son who is a State Trooper how he felt about this. He is a State Trooper in New Hampshire, so he may very soon have a primary seat belt law there, himself. His immediate reaction was that he would welcome this. Our law enforcement people do want to save lives. He recognizes this as a huge, huge help in helping him to do that job and prevent tragedy, especially for children. So I will be voting for this and welcome you to join me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. One of the things that we are always confronted with is the cost of healthcare in Maine, and because of that, we have all sorts of devices trying to make it more affordable. To me, it seems that if the evidence suggests that wearing a seat belt helps to negate the cost of accident injuries—in other words, people that are belted in have less severe injuries and hence less cost—it would seem only proper that we as a body use a seat belt law as a piece of the puzzle, in order to reduce the cost of medical health. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There have been a couple statements that have been made here that I find a little

hard to swallow as gospel. One, I do not know of any Police Department that even runs road blocks or OUI enforcement, unless they have gone out and applied for a grant, a Federal grant, in order to enforce the laws against operating under the influence. If you think your neighborhood Police Department is going to take and free up \$10,000 or \$12,000, to run a road block to check to see if you are wearing your seat belt, you need to make a call to your Chief of Police and find out if and what their priorities are.

The State of Maine has gone to great lengths over the years, and rightly so, and I am very, very proud of the safety laws that we have put in to protect our children. You know, if we are patient and we want to wait long enough, we will all kill ourselves by not wearing a seat belt, but the younger generation is so engrained with putting a seat belt on, that they will use them because they know they save lives. If you are caught with a child in the car under a certain height and you do not have a booster seat, you can be fined for that and that is as it should be. We protect our children to the point that we want to put them into a cocoon and never let anything hurt them. How much do we think that child is going to be hurt, when the police officer knocks at the door and says, "I am sorry, one of your parents is dead"—it happens everyday. That is something that you never, ever want to have a law enforcement officer have to do. I have many, many retired Troopers sitting in this building right now, and they can tell you this is the hardest part of their job. If we can take that step away from them, it is a better world. It is not an infringement on your rights. We need you here to raise your children and to contribute to a society in the State of Maine.

I urge you to support this. It is time. Secondary laws are useless—I have always said that they are useless. It needs to be a primary offense and you will find that once you get used to that seat belt, you cannot start your car without it. Thank you, Mr. Speaker.

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

ROLL CALL NO. 37

YEA - Adams, Babbidge, Barstow, Berry, Blanchette, Boland, Brautigam, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finley, Fischer, Fletcher, Flood, Giles, Greeley, Grose, Harlow, Haskell, Hayes, Hill, Hogan, Koffman, Makas, Marley, Mazurek, Mills, Moore, Muse, Nass, Norton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rector, Rosen, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Fitts, Gifford, Gould, Hamper, Hanley S, Hinck, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Lansley, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Miramant, Patrick, Pendleton, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Samson, Saviello, Schatz, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Vaughan, Walcott, Walker, Weaver.

ABSENT - Berube, Blanchard, Bliss, Cain, Cressey, Emery, Fisher, Gerzofsky, Knight, Miller, Richardson E, Rines, Trinward.

Yes, 76; No, 61; Absent, 13; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 61 voted in the negative, 1 vacancy, with 13 being absent, and accordingly the

Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 35 on LD 419, had I been present, I would have voted yes.

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

On motion of Representative SILSBY of Augusta, the House adjourned at 12:05 p.m., until 10:00 a.m., Thursday, April 26, 2007 in honor and lasting tribute to Judge Courtland D. Perry II, of Augusta.