

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
33rd Legislative Day
Thursday, April 26, 2007

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

Prayer by Pastor Richard Bell, Full Gospel Assembly of Mars Hill.

National Anthem by Honorable Leila J. Percy, Phippsburg and Honorable George W. Hogan, Sr., Old Orchard Beach.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

Representative FISHER of Brewer and Representative JOY of Crystal assumed the Chair.

The House was called to order by the Speaker Pro Tems.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

COMMUNICATIONS

The Following Communication: (S.P. 682)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 24, 2007

Sen. Dennis S. Damon

Senate Chair, Joint Standing Committee on Marine Resources

Rep. Leila J. Percy

House Chair, Joint Standing Committee on Marine Resources

123rd Legislature

Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated the following to the Marine Resources Advisory Council:

George Harris, Jr. of Eastport for appointment

Alton West of Milbridge for reappointment

Rod Mitchell of Peaks Island for reappointment

Dana Temple of Cape Elizabeth for reappointment

Pursuant to Title 12 M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources 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 **MARINE RESOURCES**.

READ and **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

The Following Communication: (S.C. 222)

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

April 25, 2007

Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings:

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

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Patrick J. Fleming of Fairfield for appointment as the Chief of the Maine State Police.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority"

(H.P. 1311) (L.D. 1879)

Sponsored by Representative MOORE of Standish.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CRESSEY of Cornish, McDONOUGH of Scarborough, PATRICK of Rumford, PEOPLES of Westbrook, PINKHAM of Lexington Township, TRINWARD of Waterville, WEDDELL of Frankfort, Senator: SCHNEIDER of Penobscot.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)

(H.P. 1310) (L.D. 1878)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AYOTTE of Caswell, BEAUDETTE of Biddeford, CLARK of Millinocket, CRAVEN of Lewiston, JOY of Crystal, RICHARDSON of Carmel, VALENTINO of Saco, WEAVER of York.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative PATRICK for the **Commission on Governmental Ethics and Election Practices** 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 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1309) (L.D. 1877)

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.
Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

ORDERS

On motion of Representative EMERY of Cutler, the following House Resolution: (H.R. 1) (Cosponsored by Representatives: EATON of Sullivan, FLETCHER of Winslow, MAZUREK of Rockland, McDONOUGH of Scarborough, PENDLETON of Scarborough, PERCY of Phippsburg)

HOUSE RESOLUTION EXPRESSING THE SUPPORT OF THE HOUSE OF REPRESENTATIVES FOR PROTECTING THE INTEGRITY OF CLAM FLATS IN MACHIASPORT

WHEREAS, L.D. 537, "An Act to Protect the Machiasport Clam Flats along the Machias River from Effluent Contamination" was unanimously voted "ought not to pass" by the Joint Standing Committee on Natural Resources; and

WHEREAS, the bill proposed to require repairs to the Machias wastewater treatment facility to prevent the runoff of sewage into the Machias River to protect the Machiasport clam flats; and

WHEREAS, during the public hearing and work session on the bill, the committee heard from representatives of the Machias and Machiasport communities who relayed the significance of the clam flats to their local economy; and

WHEREAS, the Joint Standing Committee on Natural Resources does support the protection of the Machiasport clam flats; and

WHEREAS, the Joint Standing Committee on Natural Resources voted L.D. 537 "ought not to pass" because the committee understood that the Joint Standing Committee on Appropriations and Financial Affairs was going to hear and work on all bond-related bills and recommend a bond package that would include bonding for wastewater infrastructure; and

WHEREAS, a bond package that includes bonding for wastewater infrastructure was passed in both Houses on April 4, 2007; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session endorse the use of bonds for repairs to the Machias wastewater treatment facility.

READ.

On motion of Representative EMERY of Cutler, **TABLED** pending **ADOPTION** and later today assigned.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 23)

ORDERED, that Representative Richard D. Blanchard of Old Town be excused April 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Timothy A. Carter of Bethel be excused April 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jill M. Conover of Oakland be excused April 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Philip A. Curtis of Madison be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dawn Hill of York be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative H. Sawin Millett, Jr. of Waterford be excused April 3 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Roberta M. Muse of Fryeburg be excused April 10 and April 11 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Sherwood and J. Lorraine Libby, of Limington, for their more than 40 years of tireless work to protect Maine's environment and preserve our natural heritage. Mr. and Mrs. Libby have worked as a team to make major contributions to conservation in Maine. In 1966, they helped secure passage of the legislation that protects the Allagash Waterway. In 1971, they labored to secure passage of the legislation creating the Maine Land Use Regulation Commission, known as LURC. They also worked for the establishment of the Saco River Corridor Commission. In 1990, Mr. and Mrs. Libby became founding directors of the Francis Small Heritage Land Trust, which owns and preserves 1,400 pristine acres in the Sawyer Mountain Highlands for public use and enjoyment. Mr. Libby has served as commissioner for LURC, has been chair of the Shoreland Zoning Task Force, served on the Saco River Corridor Commission and has been an affiliated director of the Natural Resources Council of Maine. Mrs. Libby has served on the Limington Planning Board and the Limington Comprehensive Planning Committee. We acknowledge their dedicated service to their community and to the State of Maine, and we send them our appreciation for their good works;

(HLS 341)

Presented by Speaker CUMMINGS of Portland.

Cosponsored by Senator COURTNEY of York, Representative CRESSEY of Cornish, Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative VALENTINO of Saco, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to honor Sherwood and Lorraine Libby, of Limington, for their more than 40 years of environmental work, on behalf of the people of Maine. I have personally known Mr. Libby, Sherwood, for over 25 years and first met him when he was working for my father down in Saco, when we were selling International Harvester Scouts, at the time, which was the "little" competition to Jeeps.

I have also had the pleasure of canoeing from their home on the Saco River. Both Sherwood and Lorraine had a canoe business for numerous years. They were invaluable guides and always knew where the best little beaches were, maybe to have a picnic and to stop on the side of the river. So it was always nice to go over to their house and have a canoe and spend a very, very quiet day on the Saco River—not the portion in Fryeburg where everybody goes on the 4th of July, but the parts where you can actually go down the Saco River and not see another canoe for the entire afternoon.

Sherwood and Lorraine have always worked as a team in supporting each other and complimenting each other in their endeavors. While they have numerous environmental accomplishments to their name, as highlighted in our legislative

Calendar today, most notably from my district, they were integral in the creation of the Saco River Corridor Commission.

In the late 1960's, the Libby's recognized that steps would have to be taken to protect the Saco River and ensure proper management. They served on the Saco River Environmental Advisory Committee, which was a committee charge to develop a plan for the future of the river and present it to the 106th Legislature. Meeting at a storefront in Cornish, the Committee spent hundreds of hours and consumed a great deal of coffee and midnight oil trying to develop a plan. They fought tirelessly for the Saco River Corridor Commission, which was finally established in 1973. To this day, Sherwood still serves as a member of the Commission, safeguarding the river and protecting it. On behalf of all of those who enjoy the Saco River, including myself, I want to say thank you very much for all of the work you have done.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As House Chair of the Natural Resources Committee, I am honored to recognize Sherwood and Lorraine Libby, of Limington, for over 40 years of tireless work to protect Maine's environment and preserve our natural heritage. They are an example of the way two people can make important changes through passion and hard work.

In all of their endeavors, Sherwood and Lorraine truly work as a team, complimenting and supporting each other. A newspaper article about them once said, "It's hard to know where Sherwood leaves off and Lorraine begins." Their accomplishments demonstrate foresight and vision. The Libby's began fighting for the environment before fighting for the environment became so popular. As was mentioned by our Clerk, the Libby's were involved with the Allagash Waterway, initial legislation, and the Maine Land Use Regulation Commission legislation. They protected the Little Ossipee River Tract and established the Saco River Corridor Commission, which really is a model, which I wish we had used in many other watersheds.

In 1990, the Libby's became the founding directors of the Francis Small Heritage Land Trust, which owns and preserves 1,400 pristine acres in the Sawyer Mountain Highlands for public use and enjoyment. What a wonderful resource to protect for future generations. I want to thank them for their hard work and their efforts, especially on behalf of those future generations who will enjoy the environment that they have worked so hard to preserve. Thank you, Mr. Speaker.

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

Recognizing:

the Belfast Area High School Girls Field Hockey Team, on its winning the 2006 Class B State Championship. The team has won 6 State Championships since the field hockey program was started in 1973, including winning the last 3 years in a row. The team currently holds a 54-game winning streak, the second longest in Maine. We also recognize coaches Allen Holmes and Marci Brier for their skill and effort in coaching the team. With Coach Holmes serving as head coach since the program's inception, the Belfast teams have won over 350 games so far. We acknowledge the excellence of Coach Holmes and Coach Brier and we send our congratulations and best wishes to the team on this achievement;

(HLS 344)

Presented by Representative GILES of Belfast.

Cosponsored by Senator WESTON of Waldo, Representative WALKER of Lincolnville, Representative THIBODEAU of Winterport.

On **OBJECTION** of Representative GILES of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Belfast Area High School Girls Field Hockey Team is with us today, to be congratulated as winners of the 2006 Class B State Championship.

Field hockey in Belfast these days is considered a dynasty. This dynasty began in 1973, when Coach Allen Holmes first introduced field hockey to Belfast. Coach Holmes is entering his 35th season as Coach of the Belfast Lions. This is the longest act of tenure of field hockey coaches in the State of Maine. His Assistant Coach, Marci Brier, is a former player and member of the 1985 State Championship Team. She is a teacher and has coached 14 years.

I also wanted to give special recognition to a member of the team, Kallie Aldus, who is a senior. She currently holds the 2006 title of Miss Maine Field Hockey and is recognized as the top field hockey player in the State of Maine.

I am also very proud to say that I played on Coach Holmes' first team in 1973. However, I must confess that this was not the winning team that is here today. In fact, our 1973 team had 0 wins, 8 losses, and 1 tie. Back then in the first year of the Belfast Field Hockey, we were all just learning the game.

Today, the Lady Lions, led by Coaches Allen Holmes and Marci Brier, are the pride of Belfast. Coach Holmes has built an outstanding program that has made a lasting impact on the lives of so many young women. In Belfast, field hockey is why we all look forward to September and October. On behalf of the House Chamber, I extend congratulations to the Belfast Lady Lions and their Coaches Holmes and Brier, as State Champions, and I congratulate them on this year and wish them the best in the future. Thank you.

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

In Memory of:

Robert P. Cammack, of Augusta, who for 37 years guided thousands of people annually around the State Capitol as the tour guide for the building. Mr. Cammack was born in Glendale, California and was a World War II veteran, serving in North Africa as a flight engineer in the United States Navy. He was a beloved gentleman who possessed such a great love and respect for the Capitol building and the institution. His knowledge and personality made him a wonderful success as tour guide. The Maine State Museum worked to preserve some of the memory and charm of Mr. Cammack by videotaping the tour for the benefit of future guides. We gratefully acknowledge his longtime dedicated service to the State of Maine. He will be greatly missed and long remembered by his loving family and his many friends;

(SLS 149)

On **OBJECTION** of Representative CROCKETT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to say a few words about a friend of mine and many in this Chamber, our former tour guide, Bob Cammack. No individual ever showed a greater love for his employment than Bob Cammack did, in his love for his work as a tour guide at this State House.

I would like to tell you something that many newcomers may not know about Bob. Bob worked as a tour guide under the Department of Administration and because of cutbacks with tight budgets, you all know what that is like, Bob's 40 hours a week was cut and Bob's position was eliminated. The community of Augusta spoke loud and clear. There were articles in the newspaper. There were letters to the editor in protest of his termination. The Legislature picked up the position at 20 hours a week and Bob was back where we all knew he belonged.

In his term as a tour guide, Bob gave tours to thousands of Maine school children, and the kids always came away from the tour with the new knowledge of the history of the State House, as well as the State of Maine. Bob was known for grumbling. If his tour students were late or noisy, he would sputter—but when the tour was completed, you could always hear Bob say what a great bunch of kids that was.

I saw Bob's wife Corrie last week and we talked about how much she misses him, but what a comfort their children are to her. Corrie, we want you to know that our thoughts and prayers and condolences are with you. Bob truly will be missed and his memory will carry on. Thank you, Mr. Speaker.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It was a pleasure to know Bob Cammack. I was talking with Representative Clark, I believe who will be saying something also, but we were saying that Herb, you, and I have been around here 50 years—and Bob was here even before that, Mr. Speaker.

Bob was a very gracious man. Sometimes he had an excessive ten groups a day and he always had a way of letting the Representatives know where their people were going to be. If a Representative or Senator was late, he would always make some wonderful excuse up for us. So Bob was truly an amazing man.

It is mentioned that he was a World War II veteran. He went through many difficult times during World War II, but he was one of those people that really never talked about the difficulties or the great things that he did for his country. I think I always admired him.

As the sentiment says, "He was a beloved gentleman who possessed such a great love and respect for the Capitol building and the institution." I do not really know if we will be able to get somebody in that capacity, who will have those attributes, but I am hoping that we would find somebody that would come close. I know that his spirit is with us today. So, God bless you Bob, and rest in peace my friend and be with us during our time of need.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had a great opportunity to know Bob for nearly 30 years, spending some time in this Chamber. Bob was a true gentleman. I can tell you right now, anytime you saw Bob with his kids, he had a big smile on his face. Bob reminded me of the Pied Piper—he would have a line a mile long behind him and in he would come with a big smile. Anytime he knew I was in this Chamber, he always made

an effort to come by and see me, so I would have an opportunity to speak to the kids.

This Chamber is going to miss a true gentleman. This Chamber is going to miss a walking historian, to the point that he knew everything that was going on in the Chamber. Not only in the Chamber, but he knew what was going on with pieces of legislation. Time, time, and time again, he had to remind me of where I had to be. Sometimes I was overworked and overloaded, but he was there for my help.

Like I said earlier, Bob, to me, was like the Pied Piper. He knew my father was a POW during World War II. Time and time again, he would sit at my desk and just reminisce about the history of the great war, World War II. Bob, we are going to miss you. We love you and you are looking down on us and we have the smile that is looking back at you. Thank you very much, Mr. Speaker.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I would also like to stand and recognize the contributions of Bob Cammack. I recently talked to one of the fourth grade teachers in Augusta about him. She described about how she always looked forward to coming to the annual fourth grade trip to the State House and the amazing information he had given her students. He has served many fourth grade students in Augusta, as well as the State of Maine, with great insight about the great state, here.

I had the great pleasure of meeting him for the first time on the campaign trail. I remember knocking on his door after a long day of knocking on doors. He opened the door and said, "You can count on me, you have my vote." It was just the inspiration I needed at that very moment. I applaud his contributions to our state and know that he will be greatly missed by our state, as well as his family in the Gallery. Thank you.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. All of us, I hope, rushing about on our busy ways, from building to building on business, big and small, or loaded down with bundles of paper and burdens of worry, all of us, I hope, took note of a small, quiet, modest, mustached man sitting on the red leather bench down by the Welcome Center, these many years, patiently waiting. Or we passed him in the hall, followed by a line of schoolchildren, like a string of ducklings strung out behind him, or saw him with Hawaiian-shirted tourists and out-of-staters in tow, down in the Hall of Flags. That was Mr. Bob Cammack, our official State House Tour Guide, doing the work he loved.

Our State House, our building in its current form, the one in which we sit, has stood on this hilltop for about 90 years. For almost 40 of those years, Mr. Cammack, was the guide for this building. Through storms and shutdowns, political deals and disasters, he was our face; he was our voice to the visiting public. He knew six Governors: Curtis, Longley, Brennan, McKernan, King, Baldacci—he knew seven Governors really. He alone of everybody here had been here long enough and had the right to call the bronze bust of Governor Baxter by his first name. He would tell me, "Good night, Percy" he would say, now and then. Sometime, Mr. Cammack would add, "I think he almost says Good night, right back." Mr. Cammack's term here, outlasted the terms of almost all six of those Governors. He was a fixture here, like the light on the dome. We were his second family—his surging, changing, squabbling, sometimes dysfunctional, and always fascinating family. He loved his job, he loved this place, and he loved the institution. He was a kind, sweet, gentle man,

who started here at \$84 a week, and ended here willing to do it all for nothing he told me, just for the pleasure of it.

I met him when I was a freshman for the first time, in the 90's, and to my delight, he was still here when I returned in the 21st Century. I never called him by his first name. In fact, I never knew it for the longest time, but he was my friend. So a few words and a little time are his due today, for he always had words and time for us and for our guests. Like many, who are quiet and modest and stand outside the torrent of our busy days, the depth and quality of the person might escape us. We, who passed him daily, unaware, as often happened, would tell much more about the place and very little about himself. It came out slowly across the years, like the sweetness of the seasons. You are a surprise, what has stood hidden in plain sight for so long.

Mr. Cammack worked here, from the 105th to the 122nd Legislature, from the middle of the 20th to the beginning of the 21st Century, at an average of about, he told me, 20,000 State House visitors a year, he probably gave 750,000 people a tour of our Capitol—and he loved every single day of it. You know, Colleagues, we were the passing parade and he was the fixture. He saw it all, he knew us all. He had strong opinions and pungent observations about most of us. Even at the end, when he was as thin and frail as last winter's wreaths, those revelations would sometimes surprise you.

Last spring, he told me, as incredible as it may seem that he knew a soldier who had fought at Gettysburg, a Civil War soldier who would come and annually visit his school classes back in Mr. Cammack's Californian hometown. The old gentleman made a great impression on a boy. Mr. Cammack remembered him vividly and he told me about him, which prompted me to ask and be so bold, only once, to ask what he had done in World War II.

So just last spring, seated on his red leather bench by the Welcome Center, surrounded by bustling politicians passing him by, he related this: In the last days of World War II, he was very young, a boy himself really, assigned to reconnaissance flights in North Africa, with a crew of equally young guys—the pilot, a veteran of age 25, they called "the old man." Their job was to seek out the enemy, call in air power when found, and destroy him. Only once did they find him. On one of those endless flights over the empty desert, one day there was suddenly a flash of sun on the far horizon, on a distant canopy. Then a bright gleam of a silver craft and two planes—one American, one German—suddenly found themselves racing toward one another at great speed. Each saw the other, each bearing the orders to destroy the other. Mr. Cammack said, "We all held our breath and if two machines could react like men, they hurdled towards one another, what seemed forever." The two planes, full of young men trained for this moment to deal death, and suddenly, as one, the German turned right, the American turned left, both turned around and both back went the way that they had come, as fast as they could go. A decision unspoken had been made and it made all of the difference for all of the years to come.

Mr. Cammack told me that he thought of that German craft a great deal in the 60 years since. He never knew one of them, and in fact, did not know much about his own crew in the years since, but they were probably young guys like us, he said, and the war was almost over. You know, he said, "I hope they all lived, I hope they all went home, I hope they had lots of grandkids and lived to grow old like I have." Then he was quiet and his eyes fell from mine and he was lost in memories, and he was silent for a long moment. Then the darn Chamber bell rang and folks yelled, "Adams, get upstairs! Go and vote!", and the doors swung open and a swarm of little school kids swept in for a tour, and at the elevator doors, I paused at and turned back for one last glimpse of him, an old man happily surrounded by happy

kids, eager for a story, attended by schoolteachers, who are probably about as old as he had been on that day in World War II. And then the door closed and I hold that picture of him.

"And so it goes, and so it goes", wrote his World War II colleague and fellow World War II veteran, the late Kurt Vonnegut, about the way that life sweeps us on—so it goes, so it goes. And such are the wonderful people, all about us, if we only pay a little attention and a little time. Mr. Cammack told me that story last spring, what would be as it happened his last spring. In the midst of death long ago, he chose life. In the midst of youth, he chose old age. In his old age, he chose us as his second family. Such are the choices that make all of the difference, on every life's path.

So, I hope, some of those little kids will also remember him one day like he remembered that veteran of Gettysburg, so long ago. I hope that we will remember him too, as now and then we rush past his post downstairs. For us as well, in a minute the doors will swing open and life will sweep us all along too—so it goes. You know, as long as I knew him, I never had time to take his State House tour. Well, maybe later. Well, so it goes. He was a great guide, he was a great guy, he was a great friend, and I shall always miss him. Good night, Mr. Cammack. Good night.

At this point, the Members of the House stood and joined in a moment of silence in honor of Robert P. Cammack, of Augusta.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

The following item was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Honorable Howard H. Dana, Jr., of Portland, on the occasion of his retirement from the Maine Supreme Judicial Court. Justice Dana was born in Portland and lives there with his wife Susan. He is a graduate of Bowdoin College, Cornell University and the University of Virginia. He began his legal career by clerking for United States District Court Judge Edward T. Gignoux in Portland from 1966 to 1967. From 1967 to 1993, he practiced law at the firm of Verrill and Dana in Portland. Justice Dana was appointed an Associate Justice of the Supreme Judicial Court by Governor John R. McKernan. He is a member of numerous professional organizations and is the recipient of many professional awards. He served his community by serving on the Cape Elizabeth School Board. We acknowledge his long and distinguished legal career and his contributions to his community, the State of Maine and to the Nation. We extend our congratulations to Justice Howard Dana on his retirement, and we send him our best wishes on his future endeavors;

(SLS 160)

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

READ.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am honored to speak today on the retirement of the Honorable Howard H. Dana, Jr., of Portland, from the Maine Supreme Judicial Court. In order to give you an idea of some of the qualities of Justice Dana, I am

going to read a bit from an article in the *Portland Press Herald*, from when he was first nominated to the Maine Supreme Judicial Court.

Howard Dana had what any politically active lawyer would want: power, influence, and access to the highest levels of the White House. Then he gave it all up for a principle. Serving on the Federal Board that oversees Legal Services for the poor, Dana believed deeply that all Americans should have access to the courts, but Ronald Regan wanted to abolish the program and Dana was soon fighting the President that appointed him. Dedication to principle and a strong belief in access to justice are two of his qualities. He built a reputation for integrity, fairness, intellect, and hard work. Also, a very strong understanding of the law, and according to this article, he is also a really nice guy according to his friends.

Our Dana was one of the founders of the Maine Volunteer Lawyers Project and became a director of the Maine Bar Foundation, a philanthropic arm of the Bar Association. In the sentiment, it mentioned he was a recipient of awards, but it failed to mention that because of his efforts to make justice accessible, he set such a high standard that the Bar Foundation created the Howard H. Dana, Jr. Award, in his name.

I would just like to read a couple of quotes from Justice Dana. "The loss of justice in a society is an intolerable result of tough fiscal times," Dana said in a recent interview. "Anyone who values this society, values our fundamental liberties has a stake in making sure that justice is available to everyone. Liberty and justice for all, is neither a liberal or conservative doctrine, it is a principle that is shared by Americans, Republican, and Democrat."

The people of the State of Maine have been very fortunate to have a man of such high principle, serving for us for these last 14 years on our Supreme Judicial Court. Thank you, for your service.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You are certainly not in error in recognizing an individual of whom we are speaking. I just want to add my two cents worth, maybe five cents worth, but not more than two minutes worth.

Justice Dana has been a remarkable addition to the Maine Supreme Court for the last 14 years. He is also, as you know, a Maine native and a 1962 graduate of Bowdoin College. He also received the Preservation of Freedom Fund Prize from Bowdoin. This is a prize that is established to stimulate understanding and appreciation of the rights and freedoms of the individual, as guaranteed under the Constitution. This is a gentleman who has stood out among his peers, as a person who upholds and honors the Constitution of the United States and the Maine State Constitution.

He is also Chairman of the American Bar Association Task Force on Access to Civil Justice. He proposed extending the right to publicly funded legal assistance, now guaranteed as you know, for people charged with crimes, to any low-income person engaged in civil matters where basic human needs are at stake—those involving shelter, sustenance, safety, health, and child custody. This is a gentleman that believes that every person in the United States deserves the right to representation, and he has worked very hard to assure that right of representation. He was a law clerk for Justice Edward T. Gignoux, a gentleman whom I remember personally. He was also appointed, as you know, to the Board of Directors of the Legal Service Corporation, by President Regan in 1982, and by President George H. W. Bush in 1990.

In 1994, when Federal funding was denied to organizations such as Pine Tree Legal Services on the condition that they stop engaging in class action law suits and lobbying on behalf of poverty ridden clients, Justice Dana was a leader in finding funding for the Maine Equal Justice Partners, a group we hear a lot from today under the dome. It is an alternative organization that continues the work that used to be done by Pine Tree Legal Services.

As an ardent supporter for justice for all, I applaud his efforts and urge him to continue. I hope to see him in the halls of this body and continuing in those efforts. As a trial lawyer who has argued nearly 100 cases in the Maine Supreme Judicial Court, it has always been a pleasure to appear before the Court, with Justice Dana as a member. He has always been a gentleman and given due deference to the hard work of attorneys and litigants who appear before him. We will always respect him. We hope to see him back as an active person, as a retiree from the bench, and look forward to his continued guidance and wisdom in retirement. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

COMMUNICATIONS

The Following Communication: (H.C. 220)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 26, 2007

To the Honorable Members of the 123rd Maine Legislature:
I am enclosing LB. 1, L.D. 805, "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County," which I am vetoing pursuant to Art. IV, Part III, Section 2 of the State Constitution.

My opposition to the expansion of gambling in Maine is well documented and unwavering. As presented, this bill would authorize doubling the total number of slot machines statewide, and would bring gaming into a part of the State that currently has none. For these reasons alone, I have serious concerns about this legislation.

What is most troubling about this bill, however, is that it would expand gambling without the approval of Maine's citizens. Major expansions of gaming have justifiably been brought before the people of Maine through the citizen initiative process. Gaming proposals like L.D. 805, and the one approved by the voters in November 2003, so alter the fabric of the State that all of its citizens, not just the elected members of the Legislative and Executive branches, deserve an opportunity to be heard. Supporters of expanding gambling into Washington County recognize this. They have collected the more than 50,000

signatures necessary to place this legislation on the November 2007 ballot. Only if L.D. 805 is vetoed and that veto is sustained, however, will the citizens of Maine have their rightful say on this important issue.

With these concerns and commitments, I hereby veto L.D. 805 and respectfully urge you to sustain it.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"
(I.B. 1) (L.D. 805)

The SPEAKER: The pending question before the House is shall this Bill become a law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 38V

YEA - Annis, Austin, Beaulieu, Browne W, Cleary, Cotta, Eaton, Edgecomb, Emery, Farrington, Finley, Fitts, Fletcher, Gifford, Giles, Grose, Harlow, Hinck, Jackson, Jacobsen, Lundeen, Makas, McFadden, McLeod, Millett, Moore, Muse, Pendleton, Perry, Pieh, Pinkham, Robinson, Saviello, Schatz, Tardy, Theriault, Tibbetts, Walcott.

NAY - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Chase, Clark, Connor, Conover, Craven, Cray, Crockett, Curtis, Driscoll, Duchesne, Dunn, Duprey, Eberle, Faircloth, Finch, Fischer, Fisher, Flood, Gerzofsky, Gould, Greeley, Hayes, Hill, Hogan, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Marean, Marley, Mazurek, McDonough, McKane, Miller, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Richardson D, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Ayotte, Beaudette, Berube, Campbell, Cebra, Cressey, Crosthwaite, Dill, Hamper, Hanley S, Haskell, Hotham, Joy, Pineau, Plummer, Rector, Richardson E, Richardson W, Sykes, Vaughan.

Yes, 38; No, 92; Absent, 20; Vacant, 1; Excused, 0.

38 having voted in the affirmative and 92 voted in the negative, 1 vacancy, with 20 being absent, and accordingly the Veto was sustained.

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" (S-48)** on Bill "An Act To Amend the Laws Governing Credit Card Companies"

(S.P. 302) (L.D. 951)

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta

VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48)**.

READ.

On motion of Representative BRAUTIGAM of Falmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-48)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 1, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims"

(S.P. 406) (L.D. 1218)

Signed:

Senators:

SULLIVAN of York
BOWMAN 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:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham
RICHARDSON of Warren
SAVAGE of Falmouth
McKANE of Newcastle

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

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

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

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

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

ROLL CALL NO. 39

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Greeley, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Kaenrath, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Rosen, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Chase, Cleary, Cotta, Cray, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Jacobsen, Knight, Lansley, Lewin, Marean, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Prescott, Richardson D, Robinson, Samson, Savage, Saviello, Strang Burgess, Tardy, Thibodeau, Thomas, Tibbetts, Weaver, Woodbury.

ABSENT - Berube, Cebra, Cressey, Crosthwaite, Dill, Hamper, Hanley S, Hotham, Joy, Koffman, Pineau, Plummer, Rector, Richardson E, Richardson W, Sykes.

Yes, 89; No, 45; Absent, 16; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 45 voted in the negative, 1 vacancy, with 16 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 1, 2007.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act Regarding When an Overweight Truck May Be Required To Unload"

(H.P. 562) (L.D. 741)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)** on same Bill.

Signed:

Representatives:

THOMAS of Ripley

Theriault of Madawaska

READ.

Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 rise to speak against the motion. This bill was one that I had presented to the Transportation Committee. After having a large forum in my district in October, and what the forum was about was issues relating to trucking in the logging and potato industry. After the forum, one of the things that came out from many of the truckers that were there, and I want to make clear that 99 percent of the men that were there were what I refer to as "owner-operators." They own one, maybe two trucks of their own, and mostly all of them drove them themselves in the case that they only had one truck, obviously. So there were people just like guys with lunchboxes—small, individual, owner-operator, small businessmen.

What we kept hearing was that a lot of times whenever they were stopped en route to a mill in Maine, if they happened to be overweight, they were asked to take wood off of the load, and then continue on to the mill. I heard it enough times that it concerned me that these guys were saying that they were told that they were 105,000 pounds, and they would take 5 or 6,000 pounds off, but when they got to the mill, they would only weigh 95,000 pounds. I kept hearing it and hearing it that there is a discrepancy with the way the scales are weighing. It came up at that meeting and there was a large group of State Police there, and the people that take care of the weights and measures for the State Police, the DOT. They kept saying, "Well, our scales are certified and we are not in the business of making money," which is true. I have complete faith with the State Police and I think that for the most part they are doing a good job, but at the same time, the mill scales are certified by the same people that the State Police's scales are certified by.

In one case, a trucker had called me and told me that he had this problem that there was a discrepancy of a couple of thousand pounds, between what the State Police had said and between what he actually weighed in at. So I called the mill, and it was the Huber Mill in Easton, and asked them, "When was the last time you had your scales certified?" He said, six weeks previous to this. In my mind, that meant that they were probably as accurate as possible. These are great, big, expensive scales that you drive a complete truck on, whereas the portable scales are small things that can be carried by one man. I am not sure if it is a case of possibly not using them right, or the weather conditions making a difference, but it seems to me that I heard the argument enough times that there is an issue out there, something that needs to be addressed.

So what this bill would do, or what I hope for it to do, was any truck that was caught for up to 110,000 pounds, which is 10,000 pounds overweight if you have bought the boosted permit, so you have a fine of 10,000 pounds excess. You would have to pay the same fine that you already have to now, but you would be allowed to continue on to the mill to unload. What I was hoping that this would do would be, we could find out once and for all if there was a discrepancy because once these guys take some of the part of the load off, it is impossible for them to tell who is right or who is wrong, even if they go back and show the State Police, "well here is what I weighed". They said, "Well yes, but you took

more off than what you are saying." There is no way to collaborate on that, so the only way to do that is to get the truck, the original load there, intact.

Whenever, in these rural areas and in my case, at minimum it is 80 to 90 miles one-way to the mills, and what happens is if one of these trucks gets pulled over and told that they have to unload, you have to find someone with a loader to come and take a small amount of wood off, and they have to wait there all day sometimes before that can be done. So not only are they fined for the overload, lose part of the load that they have, they might have to waste a whole day there waiting for somebody to unload them before they can move the truck.

The Department of Transportation and the Committee on Transportation—I am sure that Chairman Marley is going to get up and I have a lot of respect for him because I have been in his Committee more times than he wants me there, but that is my district, on trucking issues, and they have done some really good things for me, so I appreciate that—but I see this as something that anything over 110,000 they have to be made to unload. They are always going to have to pay the fine. This does not change the fine structure at all. The only thing is it would allow them to continue on to the mill to unload.

The arguments are that if they can get an extra 10,000 pounds, they will all overload and make more money. Well, Ladies and Gentlemen of the House, let me tell you that the amount that the 10,000 extra, or over in fines is way more than they can make in two or three loads. There is no incentive to overload if you think you are going to get caught because it is a lot bigger problem getting caught. I just have to make clear to you that sometimes it is so very hard to tell between 100,000 pounds and 102,000 pounds. I mean you can be working in one place and the wood will weight a certain way, and you go a mile down the road and the gravel is wetter there, or whatever, and the same amount of wood weighs differently. It is a really subjective thing and people try very hard to get the weight right, but sometimes they are over, and rates are such that they really need to get it as close to 100,000 pounds as they can to make a decent living, with fuel prices the way that they are and all of those things.

I felt, we are allowing trucks in some regard, to go with 110,000 pounds, and more in some cases. I honestly do not think that this is going to be any different than the way things are going right now. Sometimes we have trucks that end up going with 105,000 or 108,000 pounds because they did not know that. There are no scales in the woods to weigh before they leave, so I honestly think that a lot of times they take off and there is nothing they can do once they get going. So this is already in my mind happening, but what this would allow them to do is to not have to spend the time and money to hire somebody to come and take a portion of your load off, if it was less than 110,000 pounds. I think the roads can handle it because I think it is already happening. We are allowing far more in some areas of the state than 110,000 pounds, and I just think that this would be something that we could do to help these guys out for, I truly believe, an honest mistake. So, thank you.

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 do have to applaud the good Representative from Allagash, Representative Jackson, who we consider the fourteenth member, unofficial member of the Transportation Committee. He is a zealous advocate for his constituents, and we worked very hard.

I really wanted to try to put this bill into a workable context because there are many compelling arguments. Unfortunately

though, the two compelling arguments against it is that the current policy mitigates the damage to our highways, and then the potential damage to the motoring public. So that is where we started.

Currently Maine statute allows flexibility for the State Police to allow vehicles to continue without unloading at the excess of less than 2,000 pounds. That weight cannot be redistributed to comply with the law, so there is some discretion there. One of the things I was told after the public hearing was if we put in this bill, it actually may narrow that flexibility the State Police currently have.

Additionally, as the State Police testified, the reality is that many instances, it presents a safety danger if these vehicles are asked to unload on the side of the road where they pulled over. So in these situations where the weight exceeds the legal limit of 2,000 pounds, it is the current practice of the State Police to have the vehicles offload at the closest, safest location. As the good Representative just spoke about, often these mills—you know, if it is halfway between an 80-mile trip the closest place may actually be that mill and they get to their final destination.

Essentially, if we pass this bill, we are increasing the maximum weight limits on the heaviest vehicles on our roads and bridge. I just think about all of the posted roads that we had. Think about the largest transportation bond we have ever had in the history of the state, and that is because our roads are in such desperate shape. This could only continue that deterioration. I have really worked for and I know this Committee has, to try to help that industry because it is invaluable to our state, but we also have to protect the infrastructure.

The final piece that I would like to say is that the largest concern that I had personally, was that the bill, as it is currently drafted, allows these vehicles to travel any distance in the state, not just the 80 miles that the Representative from Allagash mentioned, to the mill. They could literally be overweight by 10 percent and travel the length of the state and that could put lives at danger and even more of our roadway. With a heavy heart, I ask you to support the Ought Not to Pass and we will continue to hopefully work with the good Representative to address these issues, but I do not think this bill is the vehicle. Thank you.

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 rise to support the good Representative from Allagash. He is exactly right: The scales that the State Police are using to weigh trucks are not accurate. That is all I have to say. Thank you.

Representative MCDONOUGH of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **THIBODEAU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to stand up and speak to this, but there are a couple of things that I think maybe need to be cleared up in everybody's mind. There was some sort of, well it was indicated that possibly we were increasing the weight limit. That simply is not the fact. Anybody that is an owner operator or has latch trucks knows what the weight limit is, and that the fines that are imposed by the state make it very prohibitive to operate overweight. This bill, as I understand it, would simply relieve anybody, your neighbor, or mine, who may own a truck, from the responsibility if they are overweight by up to 10,000 pounds on a 100,000-pound weight

limit, which is the state law, from the responsibility of finding a way to offload that 10 percent. There is nothing to do with raising the weight limit in this state.

The other thing that we might want to recognize is that many of these individuals that are loading themselves, okay your neighbors and mine, as they go out into the woods to load pulp, as they go to the local gravel pit to load gravel into their trucks, these people do not have scales where they are loading this. Quite frankly, they do not know themselves what that truck weighs when they enter the state highway, they have no way. Did it rain last night? I am speaking from experience here. If there is a large amount of rain and they are hauling soil, it weighs different than it did the day before. They very well may have been weighed the day before and been quite legal, but today because it rained last night, they are overweight by 5,000 pounds.

It is putting a tremendous burden on those people to pay the current fines that are in place in the state, and this just gives them just a little bit of relief—just a little bit. We are paying \$3.00 a gallon for diesel fuel. These people are struggling to pay their payments, feed their kids, and contribute to this state. I do not think that it is too much to ask to provide just a small amount of relief to these individuals. Thank you.

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 was not expecting to get more testimony, but I just want to share because I do not disagree with what is being said, as far as these people are working very hard. I do not necessarily think that they are purposely going overweight, but we keep taking, usually, one-step forward and two steps back around here, as far as we really need to watch the condition of our infrastructure. A lot of other red herring arguments have come up around the scales and those may be issues, but the issue at hand is around the weight tolerance we are allowing.

This is testimony from the Department of Transportation. "Allowing a vehicle to continue without unloading until it is more than 10 percent over gross weight, would allow the vehicle to continue running up to 110,000 pounds gross weight. Based on the average vehicle weight distributed for this type of vehicle, and assuming that the extra 10,000 pounds is evenly distributed"—as I understand that is not always possible and it is difficult to tell if it is—"the 110,000 pound vehicle would cause almost 50 percent more pavement damage than the legal vehicle at 100,000 pounds." That 10 percent creates 50 percent more damage to our pavement.

You know, just weeks ago, many of you in this body who are probably going to vote for this legislation, came to me with the concerns about all of the posted roads. We cannot continue to do this. We need to continue to look forward and try to address the infrastructure needs, as we have them currently. This is only going to move us backwards. It really comes down to dollars and cents. Our roads are in great, great crisis at this point, and I think this is only going to facilitate that move it further along. I would like to help that industry help these individuals, but our roads really cannot support this tolerance. I hope you will support the Ought Not to Pass motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 40

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam,

Browne W, Bryant, Cain, Campbell, Canavan, Casavant, Cebra, Connor, Conover, Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Fisher, Flood, Gerzofsky, Greeley, Grose, Harlow, Hayes, Hill, Hinck, Hogan, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McKane, Miller, Millett, Mills, Miramant, Moore, Norton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Priest, Rand, Rines, Robinson, Rosen, Silsby, Simpson, Smith N, Tardy, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Burns, Carter, Chase, Clark, Cleary, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finch, Finley, Fischer, Fitts, Fletcher, Gifford, Giles, Gould, Hamper, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, McDonough, McFadden, McLeod, Muse, Nass, Patrick, Pendleton, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Samson, Savage, Saviello, Schatz, Sirois, Strang Burgess, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tibbetts, Walker, Watson, Weaver.

ABSENT - Ayotte, Berube, Cressey, Hanley S, Haskell, Pineau, Rector, Richardson E, Vaughan.

Yes, 83; No, 58; Absent, 9; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, 1 vacancy, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Temporary Registration Plate Law"

(H.P. 220) (L.D. 264)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-127)** on same Bill.

Signed:

Representatives:

MARLEY of Portland
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

READ.

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

The Bill was **READ ONCE**.

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. Typically I would not move the Minority Report, even if I was on it, but the majority

of the House members are on the Minority Report and I thought it made the most sense. Let me give you a quick summary of this.

Currently, the law for these sort of permits, registration plates, are that you can use them one way, these cost \$12, and you can use them up to 15 days. The bill came forward and basically it said this makes no sense, I would have to buy two permits if I were taking a vehicle to Point A and then back again. So the Minority Report simply allows the permit holder to make a round-trip under this one permit. They are only allowed to use for a ten-day period, we figured we would narrow it down so the uses would be limited, and then simply because the permit is for a different duration and use, we would increase it from a \$12 to a \$15 fee. I hope you will support this. I am not encouraging debate. We thought this was a reasonable compromise given what the sponsor presented. Thank you.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

Committee Amendment "A" (H-127) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 1, 2007.

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

SENATE PAPERS

The following Joint Order: (S.P. 683)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 1, 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 items appeared on the Consent Calendar for the First Day:

(S.P. 239) (L.D. 790) Bill "An Act To Strengthen Rural Community Investment" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)**

(S.P. 316) (L.D. 999) Bill "An Act To Improve Transportation for Veterans" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Enhance the Natural Resources Protection Laws"

(H.P. 600) (L.D. 784)

Signed:

Senators:

DOW of Lincoln

SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough

EATON of Sullivan

FLETCHER of Winslow

MacDONALD of Boothbay
McDONOUGH of Scarborough
PERCY of Phippsburg
MAZUREK of Rockland
EMERY of Cutler

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-132)** on same Bill.

Signed:

Senator:

DAMON of Hancock

Representative:

ADAMS of Portland

READ.

On motion of Representative PERCY of Phippsburg, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for 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. 657) (L.D. 868) Bill "An Act To Amend the Civil Foreclosure Laws" Committee on **JUDICIARY** reporting **Ought to Pass**

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

CONSENT CALENDAR

Second Day

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

(S.P. 137) (L.D. 436) Bill "An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund"

(S.P. 154) (L.D. 467) Bill "An Act Regarding the Protection and Advocacy Agency Advisory Council"

(S.P. 89) (L.D. 252) Bill "An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species" (C. "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" (C. "A" S-50)

(S.P. 208) (L.D. 671) Bill "An Act To Amend the Laws Dealing with the Posting of Gas Prices" (C. "A" S-45)

(S.P. 209) (L.D. 672) Bill "An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum" (C. "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" (C. "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" (C. "A" S-49)

(S.P. 240) (L.D. 791) Bill "An Act To Ensure Equitable Geographic Representation on the State Board of Education" (C. "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" (C. "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" (C. "A" S-40)

(S.P. 286) (L.D. 898) Bill "An Act To Increase Educational Opportunities in the Kennebec Valley Region" (C. "A" S-44)

(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)

(H.P. 66) (L.D. 68) Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer" (C. "A" H-123)

(H.P. 340) (L.D. 424) Bill "An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence" (C. "A" H-124)

(H.P. 492) (L.D. 643) Bill "An Act To Clarify Certain Equipment Provisions for Motor Vehicles" (C. "A" H-128)

(H.P. 528) (L.D. 697) Bill "An Act To Amend the Laws Relating to Department of Corrections Facilities" (C. "A" H-125)

(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" (C. "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" (C. "A" H-130)

(H.P. 844) (L.D. 1151) Bill "An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities" (C. "A" H-119)

(H.P. 1002) (L.D. 1428) Bill "An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation" (C. "A" H-131)

(H.P. 1210) (L.D. 1727) Bill "An Act To Require Veterinarians To Notify Municipalities of Rabies Vaccinations of Dogs" (C. "A" H-121)

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

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Make Lobster Trap Molesting a Civil Offense"
(H.P. 18) (L.D. 16)
(C. "A" H-74)

Bill "An Act To Ban Salvia Divinorum"
(H.P. 64) (L.D. 66)
(C. "A" H-117)

Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"
(H.P. 335) (L.D. 419)
(C. "A" H-71)

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

ENACTORS

Emergency Measure

An Act To Expand the Definition of Health Care Facility under the Maine Health and Higher Educational Facilities Authority Act
(H.P. 548) (L.D. 727)
(C. "A" H-55)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents
(H.P. 149) (L.D. 167)
(C. "A" H-58)

An Act To Establish an Airport Managers Training Program
(H.P. 184) (L.D. 213)
(C. "A" H-53)

An Act To Provide Medically Necessary Speech Therapy Services
(H.P. 250) (L.D. 306)
(C. "A" H-52)

An Act To Create Fairness in E-9-1-1 Funding
(H.P. 425) (L.D. 547)
(C. "A" H-57)

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

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

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.

Expression of Legislative Sentiment Recognizing Kevin Alley, of Machias, for his prompt action and attentiveness to Stanley Smith
(HLS 332)

TABLED - April 25, 2007 (Till Later Today) by Representative CROTHWAITE of Ellsworth.
PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want you to know this has been a big deal in Washington County, particularly for the University of Maine at Machias, to have such capable people not only as students, but on the staff that are trained in emergency procedures to respond to people in situations. In this case it was cardiac arrest. These folks, I am very proud to represent them and, of course, the University system that supports these folks. They are here today, so at the appropriate time I hope you can all join me in standing and give them a round of applause. Thank you.

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

Expression of Legislative Sentiment Recognizing Melissa Johnson, of Stevens Point, Wisconsin, for her prompt action and attentiveness to Stanley Smith

(HLS 333)

TABLED - April 25, 2007 (Till Later Today) by Representative CROSTHWAITE of Ellsworth.

PENDING - **PASSAGE**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-120)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on 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)

(H.P. 538) (L.D. 717)

TABLED - April 25, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

The Unanimous Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-120)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, May 1, 2007.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell who wishes to address the House on the record.

Representative **CAMPBELL**: Mr. Speaker, if I was present, I would have voted no on the veto. I would like to record it as voting no.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudette who wishes to address the House on the record.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Had I been present for Roll Call No. 38 on LD 805, I would have voted no.

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

On motion of Representative CROCKETT of Augusta, the House adjourned at 1:12 p.m., until 10:00 a.m., Tuesday, May, 1, 2007 pursuant to the Joint Order (S.P. 683) and in honor and lasting tribute to Robert P. Cammack, of Augusta, Roland G. Dumais, of Lewiston, and Denis E. Forest, of Sanford.