

# 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  
42nd Legislative Day  
Thursday, May 17, 2007

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

Prayer by Reverend Doctor Kate Winters and Reverend Joel Krueger, The First Church in Belfast, United Church of Christ.

Colors presented by Charles E. Sherman, Jr., Post 36 Color Guard, Boothbay Harbor.

National Anthem by Diane Hirsh, Livermore Falls.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Address the Evaluations of Certain School Employees"

(H.P. 237) (L.D. 293)

Report "A" (10) **OUGHT TO PASS AS AMENDED** of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** in the House on May 3, 2007.

Came from the Senate with Report "C" (1) **OUGHT NOT TO PASS** of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Amend the Temporary Registration Plate Law"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127)** in the House on May 1, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) AS AMENDED BY SENATE AMENDMENT "A" (S-87)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

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

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on May 3, 2007.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)** in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 278)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**  
**COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 16, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 636 An Act To Create Optional Public Financing of Legislative Leadership Elections

L.D. 854 An Act To Extend Term Limits for the House of Representatives

L.D. 994 An Act To Make Minor Changes to the Gambling Control Board Laws

L.D. 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Frequency with which an Issue May Appear on the Ballot as a Result of a Direct Initiative

L.D. 1362 An Act To Amend the Laws Governing Municipal Elections

L.D. 1498 An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections

L.D. 1522 An Act To Modify the Citizen Initiative Process

L.D. 1898 An Act To Amend the Laws Pertaining to Lobbying

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

Sincerely,

S/Sen. Lisa T. Marraché

Senate Chair

S/Rep. John L. Patrick

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 279)

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

May 16, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 527 An Act To Expand Property Tax Benefits for Retired Citizens

L.D. 567 An Act To Expand Tax Incentives for Conservation Easements

L.D. 640 An Act To Assess Farm Buildings at Current Use Value

L.D. 665 An Act Regarding the Calculation of Tree Growth Reimbursements to Municipalities (EMERGENCY)

- L.D. 1255 Resolve, To Return to J & L Discatio Corporation Money Paid by It to Maine Revenue Services
- L.D. 1412 RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners
- L.D. 1432 An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control
- L.D. 1433 An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes
- L.D. 1510 An Act To Provide an Income Tax Deduction for Health Insurance Premiums
- L.D. 1555 An Act To Remove the Tax-exempt Status on Land Purchased by Nonprofit Groups for Conservation
- L.D. 1559 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 Years of Age or Older
- L.D. 1708 An Act To Exempt Persons 65 Years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes
- L.D. 1711 An Act To Reduce the Capital Gains Tax
- L.D. 1770 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases
- L.D. 1784 An Act To Authorize Municipal Property Tax Deferral Programs

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

Sincerely,  
 S/Sen. Joseph C. Perry  
 Senate Chair  
 S/Rep. John F. Piotti  
 House Chair

**READ and ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program"

(H.P. 1341) (L.D. 1910)

Sponsored by Representative BLISS of South Portland.  
 Cosponsored by Senator BARTLETT of Cumberland and Representative: RINES of Wiscasset.  
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Resolve, To Authorize the State To Sell a Certain Property with Buildings Located within the City of Old Town  
 (H.P. 1343) (L.D. 1911)

Sponsored by Representative BLANCHARD of Old Town.  
 (GOVERNOR'S BILL)

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

**ORDERS**

On motion of Representative MARLEY of Portland, the following Joint Order: (H.P. 1342)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Transportation shall report out, to the House, legislation to revise motor fuel taxation.

**READ and PASSED.**

Sent for concurrence.

On motion of Representative KOFFMAN of Bar Harbor, the following Joint Order: (H.P. 1345)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, legislation to assist in the cleanup of waste motor oil disposal sites.

**READ and PASSED.**

Sent for concurrence.

On motion of Representative PATRICK of Rumford, the following Joint Order: (H.P. 1344)

**ORDERED**, the Senate concurring, that Bill, "An Act To Limit Contributions to Political Action Committees," H.P. 278, L.D. 348, and all its accompanying papers, be recalled from the legislative files to the House.

**READ.**

On motion of Representative PATRICK of Rumford, **TABLED** pending **PASSAGE** and later today assigned.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 26)

**ORDERED**, that Representative Charles R. Priest of Brunswick be excused May 9 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Nancy E. Smith of Monmouth be excused May 3 for legislative business.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Richard Ray Storer, of Damariscotta, a member of Ducks Unlimited, the Republican National Committee, the Sportsman's

Alliance of Maine, the Masons, the American Legion and the Kora Shrine Temple and a lifetime member of the National Rifle Association. Mr. Storer was born in Boothbay Harbor and grew up in Brunswick and Boothbay Harbor. He joined the United States Navy and served from 1946 to 1948, and earned his GED after returning home. He attended Massachusetts Industrial Technical School. He was an instructor of arms at West Point. In 1950, Mr. Storer joined the United States Army and was stationed in Japan and Korea with the 24th Infantry Division as a mortarman and in combat infantry. He opened his own business in 1955 constructing buildings of all sizes, including the Damariscotta Post Office. One of his last jobs before retirement was building the Maine Center for the Arts at the University of Maine. Mr. Storer will be greatly missed and long remembered by his large family and many friends;

(HLS 426)

Presented by Representative McKANE of Newcastle.

Cosponsored by Senator DOW of Lincoln, Representative PIEH of Bremen.

On **OBJECTION** of Representative MCKANE of Newcastle, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last April 23rd, there was an empty seat at the lunch counter at Waltz's Pharmacy and a bouquet of flowers on the counter in front of that seat. A member of Waltz's "counter intelligence" had been lost. Richard Storer, who for many years had sat and occupied that stool from 9 am to 10 am, had lost his 40-year battle with emphysema.

Over his 78 years, Mr. Storer had gained somewhat legendary status in our community, and there are actually some myths about him. One of them was that he has supposedly dug the foundation to his first home with a shovel, and I asked him about and he said, "Of course I did." I have not heard anybody who would argue it and it is very believable that he did do this, because someone said probably that he could not do it. He liked to tell you things to get you going. He would be bored with you if you did not stand your ground, but if you did and got back in his face and argued with him, he would slap you on the back and buy you a cup of coffee. For those of you who read Ken Kesey's *Sometimes a Great Notion*, he was the main version of Henry Stamper with a very, very big heart.

I first met him at a town meeting in Damariscotta. He was wearing really fancy cowboy boots; he had a deep dark tan and lines in his face from years of working outside. In regards to one of the articles on unpaid taxes, he said, "Mr. Moderator, I do not think the town of Damariscotta should be earning interest money on people who cannot pay their taxes. The town does not need to make money on these folks." Here was the original, compassionate conservative—I never forgot it.

Later that same year, on Christmas Eve, Santa Claus drove into our yard driving the strangest sleigh and reindeer I ever saw, but it was indeed Santa Claus and it was full of gifts for all of the neighborhood kids. My three-year-old son, with eyes as big as saucers, received one of those gifts and he never forgot Mr. Storer, or to him, Santa Claus.

Richard Storer was indeed an unforgettable individual. His friends, his family, the Town of Damariscotta, and indeed the State of Maine, will greatly miss him. Thank you, Mr. Speaker.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to mention that Richard Storer and his family were an incredible group of horsemen and that is really the way that I mostly knew them. They go to a lot of fairs and they have done a wonderful amount of things to help support our draft horse industry in this State. I just wanted to thank them for that.

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

**In Memory of:**

the Honorable Edgar M. Wheeler, of Bridgewater, former Member of the Maine House of Representatives and High Sheriff of Aroostook County. Mr. Wheeler was born in Mars Hill and was a graduate of Bridgewater Classical Academy. He served in the United States Army and began his career in law enforcement in 1968. He was a deputy, detective and chief deputy and was elected High Sheriff in 1983, a position he held for 12 years. Mr. Wheeler served in the Maine State Legislature for 8 years, from 1994 to 2002. He was a member of the Bridgewater Free Baptist Church, where he served as deacon, trustee and most recently as Sunday school superintendent and moderator. He also served his community on the Bridgewater Town Council. We acknowledge his dedicated service to his community and to the State of Maine. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 429)

Presented by Speaker CUMMINGS of Portland.

Cosponsored by President EDMONDS of Cumberland, Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BERRY of Bowdoinham, Representative BERUBE of Lisbon, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOLAND of Sanford, Representative BRAUTIGAM of Falmouth, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARTER of Bethel, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLEARLY of Houlton, Representative CONNOR of Kennebunk, Representative CONOVER of Oakland, Representative COTTA of China, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROSTHWAITE of Ellsworth, Representative CURTIS of Madison, Representative DILL of Cape Elizabeth, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FINLEY of Skowhegan, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of

Winslow, Representative FLOOD of Winthrop, Representative GERZOFSKY of Brunswick, Representative GIFFORD of Lincoln, Representative GILES of Belfast, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KNIGHT of Livermore Falls, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative McDONOUGH of Scarborough, Representative McFADDEN of Dennysville, Representative MCKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative MIRAMANT of Camden, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PIEH of Bremen, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RAND of Portland, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TIBBETTS of Columbia, Representative TREAT of Farmingdale, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER of Lewiston, Representative WALCOTT of Lewiston, Representative WALKER of Lincolnville, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WEDDELL of Frankfort, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator BARTLETT of Cumberland, Senator BENOIT of Sagadahoc, Senator

BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SMITH of Piscataquis, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WESTON of Waldo.

On **OBJECTION** of Representative JOY of Crystal, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is never easy to stand and pay tribute to a good friend. If Edgar was still in the House here, you would realize that he personified family in that he would be a big brother to almost everybody that is here.

Edgar is a classic example of a man who is a true public servant. He served in the military, he served in law enforcement, and he was Sheriff of Aroostook County for a number of years. He had been very active in many aspects of government. In fact, I think it is fitting that this memorial comes on the day that the fallen law officers are going to be recognized and celebrated at the memorial down in front. People might think that he did not die in the line of duty, but he certainly did—he was going to perform civic duty at the time of his death.

Edgar was very fond of golf, as well as his dedication to his public service. He was a big supporter of the Mars Hill Golf Course, and I am sure that he was thrilled when they finally put the last nine holes in there, to make it an 18 hole golf course. He sponsored tournaments there on a number of years, to raise funds for the Aroostook Crime Stoppers organization that he was one of the founders in getting that going. They have been a tremendous organization for Aroostook County and I am sure that it will bear his hand as it moves forward in its duties.

He was an excellent administrator as Sheriff of the County, and he was an excellent legislator down here. He came from an area of the state that was noted for being very conservative, and it presented a tough situation for him when he came. He had to make a decision that probably very few people truly have to make, and he changed political parties while he was here, feeling that was the best way that he could represent his conservative people in his area. He was very strong in his religion and he practiced it all of his life. He has an excellent family; many of his sons are in law enforcement. His wife is active; she has been a manager of a business in Houlton and also in Presque Isle. They have always been a family that was dedicated towards public service.

So, if you go to the Memorial Service for the fallen law officers today, I hope that you will take a moment of silence yourselves and say a prayer for our loss. We have lost a fine, fine public servant. He really would not want me to talk very long about him. He was a very humble man, so I think I will stop my comments right there, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like the good Representative from Crystal, I too, served with Representative Edgar Wheeler for eight years.

In his last term, he was the Minority lead on the Transportation Committee, when I served as Chairman of the Committee. It was a pleasure to work with Edgar. He was a man of his word and the two of us worked together to put out about as much unanimous reports as could have been possible. As I leave here at some point in my life, one of the things that I will leave with is the memory of a lot of good people. Edgar Wheeler was one of the best of them and he will certainly be sorely missed.

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 are very few times in your life that you will meet someone that makes a lasting impression on you, as being a gentleman and a scholar in every aspect of his life. I had that privilege when I met Edgar Wheeler, when I came in to this House as a freshman legislator.

Although, the opposite part that I served on, Edgar was a guiding influence that helped me walk through these halls, to know where I should be going, more so than anyone I can think of. He will be missed by his community. He was a strong leader, but most of all they will remember him as being a good man. I will request that when we recess today, we do so in the honor of the Honorable Edgar Wheeler.

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. Ed Wheeler was a gentleman's gentleman. I have known Ed for a long period of time. He was one of the people that served on my committee when I chaired Criminal Justice and I can tell you right now that he was the first to be here in the morning and the last to leave, day in and day out. He was from Aroostook County as you know, and his work ethic was second to none.

Ed Wheeler was a true friend to my family and me. I can remember going to Mars Hill, meeting Ed up there and playing golf, going to Mars Hill and using the driving range and spending a lot of time with Ed Wheeler over the years that I have known him. Even though Ed Wheeler served as a Maine legislator, his heart was always with the Sheriff's Department in Aroostook County. There was not one day that would go by that he would not mention any episode that had taken place. He seemed to know more about what was taking place in Aroostook County with the Sheriff's Department, probably more than the people who were working there. His heart was truly in that Department.

Even though Ed Wheeler will not be here, Ed we will never forget you. Thank you for being my close friend and thank you for being a part of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to reiterate what everyone else has also said. I would like to say that he was a wonderful seatmate. I was very fortunate in the 120th, to have Ed sit behind me in seat 133, when I had 133, right over here to my left.

He taught me an awful lot from the standpoint of being able to get along with both sides of the aisle. He and I used to tease one

another about which way we were going to vote and stuff, but he actually showed me an awful lot and was probably the one most responsible for probably tempering my unbridled enthusiasm. He told me a lot of times that sometimes it was better to be seen than heard and not to stand up and speak on every single issue, and when you were going to speak, if you could not say it in three minutes, do not stand up and speak for half an hour because no one is going to support you and stuff like that.

I would just like to offer his family my condolences and would reiterate what every one said: He was a gentleman's gentleman and he was truly a wonderful seatmate and I thank him for that.

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At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Edgar M. Wheeler, of Bridgewater.

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

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

#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment 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 in Memory of Lieutenant Colonel Jay Zeamer, Jr. (Ret.), of Boothbay Harbor

(HLS 420)

TABLED - May 15, 2007 (Till Later Today) by Representative MacDONALD of Boothbay.

PENDING - **ADOPTION.**

Lieutenant Colonel Jay Zeamer, Jr. (Ret.), of Boothbay Harbor

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative MacDONALD: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to speak briefly in honor of the memory of Lieutenant Colonel Zeamer, who as the Speaker and Clerk said, was the last surviving fulltime Maine resident who had received the Medal of Honor. Had he not received that medal, if you heard the list of other medals he received, he would have been an honored war hero in his own right, but having received the Medal of Honor, the highest medal that this Country can bestow.

Lieutenant Colonel Zeamer was a pilot in the Army Air Force in World War II, and he and a group of almost Zeamer's misfits, put together a B-17 Bomber out of assembled parts, got it running, got it flying, and went on basically a suicide mission to do photography in the Solomon Islands. They armed this bomber with a .50 caliber machine gun in the nose, and they used it essentially as a fighter plane to fight off an attack by Japanese fighter planes, who discovered that they were there photographing their facilities. He was wounded, men in his airplane were wounded, and the airplane was shot up. He managed to bring it back while still wounded, flying this contraption that was put together out of bubblegum and bailing wire, so to speak, so Zeamer's misfits, who became heroes on that mission.

Later after World War II, becoming interested in aeronautics because of his experience, he went on to get a degree in aeronautics at MIT and then working for Hugh's Aircraft in

California, still later he received a Master's in Business Administration. So, this was man with many talents, great service to the Country, his family, and to the State of Maine.

I rise to honor him today and would read to you just a short piece of poetry, from Stephen Spender, in his memory. This is a poem, parts of a poem, called *I Think of Those Who Were Truly Great*:

"I think continually of those who were truly great.  
Who, from the womb, remembered the soul's history  
Through corridors of light where the hours are suns  
Endless and singing"

"What is precious is never to forget  
Never to allow gradually the traffic to smother  
With noise and fog the flowering of the spirit."

"Near the snow, near the sun, in the highest fields  
See how these names are celebrated in the waving grass  
And by the streamers of white cloud  
And whispers of wind in the listening sky.  
The names of those who in their lives fought for life  
Who wore at their hearts the fire's center.  
Born of the sun they traveled a short while towards the sun,  
And left the vivid air signed with their honor."

Thank you, Mr. Speaker.

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

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

(S.P. 78) (L.D. 241)

Signed:

Senators:

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" (S-47)** on same Bill.

Signed:

Senator:

DAMON of Hancock

Representatives:

THOMAS of Ripley  
THERIAULT of Madawaska

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-47)**.

**READ.**

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

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

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. How many times have you looked at your speedometer and seen that you are speeding? How many times have you rolled through a stop sign without coming to a complete stop? If you are under 21 years old and have had your license less than two years, you can lose your license for those offenses. Let me read you the law: "If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license, the Secretary of State shall suspend the license without right to hearing: for 30 days on the 1st offense and for 60 days on the 2nd offense."

Many young people in Maine need to work to help support a family. Some may even have a family of their own at 20 years old. In most of Maine, the only way to get to work is to drive, so when we take a person's license, more often than not, we take their job too. A lot of these young people are going to school at this age and some of those are going to need to drive. Shall they quit school?

What this bill does, is allow the Secretary of State to give these people a hearing and then after hearing clear and convincing evidence, he can grant them a work license and not if they do not deserve it. Isn't it a good thing when young people work? Don't we want our children to go on to school? We all make mistakes. Does it make sense to ruin a young person's future for the same mistakes that some of us make every day? Let's give them a second chance. Let's vote down this motion and pass the bill. Thank you.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The majority of the Transportation Committee had the opinion that the suspension of a juvenile provisional license for any conviction of a moving violation is just. This penalty is a safety issue as well as a behavioral modification issue.

Earlier, as you just heard, any juvenile convicted for the 1st offense loses his license for 30 days. A great many of the accidents that a person might have in his lifetime, occurs in their first two or three years of driving when they have the inexperience. This is going to prevent a pause, a certain amount of discomfort to the parents of the guardians, but again, we believe it is a safety issue and a behavioral modification. We do not want to have the Secretary of State have to say that this one should have to get a work license and this one should not. So, again, I urge you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 241 Amendment "A." I support the good Representative from Ripley's position and I ask for your vote. Thank you.



The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

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

The SPEAKER: The Representative may pose his question.

Representative **EATON**: Thank you, Mr. Speaker. My question would be under current law, when we talk about this automatic 30 day suspension, is this moving violations only? Or does this also include, would a parking violation constitute a 30-day suspension? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Sullivan, Representative Eaton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The law says moving violation.

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.

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

**ROLL CALL NO. 70**

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Chase, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Fischer, Fisher, Flood, Gerzofsky, Gould, Greeley, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pilon, Pineau, Pingree, Piotti, Prescott, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Silsby, Simpson, Smith N, Sykes, Tardy, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Boland, Carter, Cebra, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Emery, Finch, Finley, Fletcher, Gifford, Giles, Grose, Hamper, Hayes, Jackson, Jacobsen, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, McFadden, McKane, McLeod, Moore, Perry, Pieh, Pinkham, Plummer, Richardson W, Saviello, Schatz, Sirois, Strang Burgess, Sutherland, Theriault, Thibodeau, Thomas, Vaughan, Walcott, Weaver.

ABSENT - Canavan, Cresse, Dill, Duprey, Farrington, Fitts, Hotham, Miller, Pratt, Richardson E.

Yes, 89; No, 51; Absent, 10; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 51 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Recreational Bear Trapping"

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

Signed:

Senators:

BRYANT of Oxford  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

JACKSON of Allagash  
RICHARDSON of Carmel  
SAVIELLO of Wilton  
FINCH of Fairfield  
McLEOD of Lee  
WHEELER of Kittery  
LUNDEEN of Mars Hill  
BRYANT of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-246)** on same Bill.

Signed:

Representative:

EBERLE of South Portland

**READ.**

Representative JACKSON of Allagash moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Ten Members of the Committee on **MARINE RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-257)** on Bill "An Act To Create a Nonresident Lobster and Crab Landing Permit"

(H.P. 255) (L.D. 311)

Signed:

Senators:

DAMON of Hancock  
SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough  
EATON of Sullivan  
FLETCHER of Winslow  
MacDONALD of Boothbay  
McDONOUGH of Scarborough  
PERCY of Phippsburg  
EMERY of Cutler  
ADAMS of Portland

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-258)** on same Bill.

Signed:

Senator:

DOW of Lincoln

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

MAZUREK of Rockland

**READ.**

On motion of Representative PERCY of Phippsburg, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-257)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 22, 2007.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 864) (L.D. 1183) Bill "An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-264)**

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. 269) (L.D. 859) Bill "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores"

(S.P. 405) (L.D. 1217) Bill "An Act To Improve Health Standards in Piercing Procedures" (C. "A" S-104)

(S.P. 478) (L.D. 1364) Bill "An Act To Preserve and Grow Maine Small Businesses" (C. "A" S-101)

(S.P. 584) (L.D. 1678) Bill "An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws" (C. "A" S-102)

(H.P. 1038) (L.D. 1476) Bill "An Act Relating to Bad Check Enforcement Programs Operated by Private Entities"

(H.P. 1277) (L.D. 1830) Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 69) (L.D. 71) Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases" (C. "A" H-248)

(H.P. 71) (L.D. 73) Bill "An Act To Place Land in Centerville in Trust" (C. "A" H-239)

(H.P. 86) (L.D. 94) Bill "An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act" (C. "A" H-240)

(H.P. 151) (L.D. 169) Bill "An Act To Place Land in Township 21 in Trust" (C. "A" H-241)

(H.P. 370) (L.D. 486) Bill "An Act To Establish an Apprenticeship Hunter License Program" (C. "A" H-238)

(H.P. 501) (L.D. 652) Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (C. "A" H-237)

(H.P. 571) (L.D. 750) Bill "An Act To Support Realize!Maine To Attract and Retain Young People in the State's Workforce" (C. "A" H-247)

(H.P. 592) (L.D. 774) Bill "An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission" (C. "A" H-252)

(H.P. 656) (L.D. 867) Bill "An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association

of Secretaries of State and the International Association of Commercial Administrators" (C. "A" H-242)

(H.P. 728) (L.D. 968) Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Water Level Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) (C. "A" H-253)

(H.P. 737) (L.D. 977) Bill "An Act To Address the Funding Needs of Air and Ground Emergency Medical Services" (C. "A" H-249)

(H.P. 823) (L.D. 1130) Resolve, To Increase Fairness in Medical Payments (C. "A" H-250)

(H.P. 847) (L.D. 1154) Resolve, Directing the Department of Transportation to Expend Funds for Ocean Commerce in Casco Bay (EMERGENCY) (C. "A" H-244)

(H.P. 991) (L.D. 1408) Bill "An Act Concerning Harness Racing Association Funding" (C. "A" H-243)

(H.P. 992) (L.D. 1409) Bill "An Act To Make Technical Changes to Maine's Aquaculture Statutes" (C. "A" H-251)

(H.P. 1036) (L.D. 1474) Bill "An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance" (C. "A" H-236)

(H.P. 1285) (L.D. 1845) Bill "An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring" (C. "A" H-254)

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**

**Senate as Amended**

Bill "An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs" (EMERGENCY)

(S.P. 213) (L.D. 676)

(C. "A" S-106)

Bill "An Act To Increase Funding for the Spaying and Neutering of Companion Animals"

(S.P. 217) (L.D. 680)

(C. "A" S-103)

Bill "An Act To Renew the Promise of Higher Education"

(S.P. 337) (L.D. 1020)

(C. "A" S-97)

**House as Amended**

Resolve, To Improve Landowner Relations

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

(C. "A" H-233)

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

**ENACTORS**

**Emergency Measure**

An Act To Protect the Public from Dangerous Dogs

(S.P. 124) (L.D. 380)

(C. "A" S-91)

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

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

The SPEAKER: The Representative may pose his question.

Representative **MAZUREK**: Thank you, Mr. Speaker. On the clarification of what is meant by the term "dangerous dogs," please.

The SPEAKER: The Representative from Rockland, Representative Mazurek has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A dangerous dog is a dog that has attacked and bitten someone off their premises, where they were not guarding their premises. It also could be another person's animal, if it was done off their premises or possibly on the other person's premises, to endanger those people. So, actually it is coming again in another bill in an expanded version of it, but that is how it stands today. Thank you.

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. 134 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.

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**Emergency Measure**

An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

(S.P. 579) (L.D. 1674)  
(C. "A" S-83)

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. 133 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine

(H.P. 963) (L.D. 1371)  
(C. "A" H-201)

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. 118 voted in favor of the same and 15 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Establish a Special Veterans License Plate for Motorcycles

(H.P. 199) (L.D. 228)  
(C. "A" H-189)

An Act To Facilitate the Establishment of Tribal Electric Utility Districts

(H.P. 200) (L.D. 229)  
(C. "A" H-184)

An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

(S.P. 95) (L.D. 280)  
(C. "A" S-98)

An Act To Improve Juvenile Justice

(H.P. 293) (L.D. 363)  
(C. "A" H-186)

An Act To Establish the Fee for Commercial Inspections for Farm Trucks

(H.P. 402) (L.D. 524)  
(C. "A" H-183)

An Act Concerning the Examination of Persons in Protective Custody

(S.P. 218) (L.D. 681)

An Act To Ensure Truth in Music Advertising

(H.P. 517) (L.D. 686)  
(C. "A" H-198)

An Act To Make Part 1 of the Maine Criminal Code Gender-neutral

(H.P. 726) (L.D. 966)  
(C. "A" H-187)

An Act Concerning the Supervision of Nursing Support Staff

(H.P. 741) (L.D. 981)

An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws

(H.P. 806) (L.D. 1088)  
(C. "A" H-199)

An Act To Recapitalize the Municipal Investment Trust Fund

(S.P. 358) (L.D. 1106)  
(C. "A" S-95)

An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply

(S.P. 393) (L.D. 1205)

An Act To Amend the Solid Waste Management Laws

(S.P. 461) (L.D. 1313)  
(C. "A" S-96)

An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Government Entities

(H.P. 957) (L.D. 1365)  
(C. "A" H-192)

An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass

(H.P. 1049) (L.D. 1487)  
(C. "A" H-193)

An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees

(S.P. 527) (L.D. 1500)

An Act To Clarify and Update the Laws Related to Property and Casualty Insurance

(H.P. 1052) (L.D. 1502)

An Act To Ensure the Proper Management of the Sea Urchin Industry

(H.P. 1117) (L.D. 1595)  
(C. "A" H-191)

An Act To Strengthen the Authority of Concealed Weapons Permits

(H.P. 1211) (L.D. 1728)  
(C. "A" H-188)

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.

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**Resolves**

Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

(S.P. 214) (L.D. 677)  
(C. "A" S-94)  
Resolve, To Create an Effective Deer Habitat Enhancement  
and Coyote Control Program

(H.P. 620) (L.D. 823)  
(C. "A" H-190)

Resolve, To Estimate the Annual Value of Uncollected Bottle  
Deposits, Fraud and Total Costs under Maine's Bottle Bill

(H.P. 895) (L.D. 1267)  
(C. "A" H-195)

Resolve, To Promote High-quality Before-school and After-  
school Programs

(H.P. 961) (L.D. 1369)  
(C. "A" H-200)

Resolve, To Promote Alternative Schools within Existing  
School Systems

(H.P. 1224) (L.D. 1758)  
(C. "A" H-194)

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

The following 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.

SENATE DIVIDED REPORT - Majority (12) **Ought Not to  
Pass** - Minority (1) **Ought to Pass** - Committee on **INSURANCE  
AND FINANCIAL SERVICES** on Bill "An Act To Eliminate the  
Interest on Security Deposits for Mobile Homes"

(S.P. 212) (L.D. 675)

- In Senate, Reports **READ** and the Bill and accompanying  
papers **COMMITTED** to the Committee on **INSURANCE AND  
FINANCIAL SERVICES**.

TABLED - May 16, 2007 (Till Later Today) by Representative  
PINGREE of North Haven.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative BRAUTIGAM of Falmouth moved that the  
House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative McKANE of Newcastle **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 Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. This bill was  
brought before us because of what seemed to be kind of an  
inequity with security deposits on rentals. A member from the  
body brought this forward. It is a good bill. It is in statute that  
security deposits have to get 4% interest on mobile home  
security deposits.

First of all, putting any kind of number for an interest rate in  
statute is a bad idea. To get 4% interest on a Certificate of  
Deposit, you need a 10-year Certificate of Deposit. Now, if you  
are talking about a mobile home park with say, about 1,000  
mobile homes, that is a lot of money and it might be possible for  
that business to actually pay that rate, they might be able to  
figure out a way of doing it.

In my district, we have mobile home parks with 12 trailers in  
them and the owner lives in one of them. She is a retired person  
or widow who does not know the first thing about getting interest  
or getting money out of these security deposits and it is her only  
income. Not only that, we do not enforce this kind of interest on  
security deposits of rentals of apartments or house, it is just  
mobile home parks. It is a burden on these people. This was a  
good bill, it is a good bill, and I ask you to reject this motion.  
Thank you very much.

The SPEAKER: The Chair recognizes the Representative  
from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. Just to be clear,  
this bill was not about changing the interest rate; it was about  
eliminating the interest rate.

As everybody probably understands, when you rent a spot or  
a mobile home, you have to put down a deposit. That deposit is  
the property of the person who is renting the spot. The deposit is  
generally put into an escrow account or some kind of an account  
where it does bear interest. The question is simply, does that  
interest accrue to the benefit of the person who owns the money,  
or does it accrue to the benefit of the owner of the mobile home  
park who is holding it in deposit?

The Committee, with a strong report, decided not to change  
the law that has been in place for a while, that the interest simply  
belongs to the person who holds the money. It is their property, it  
is their money in the account, and we saw no reason to change  
the 4% law. The only testimony in favor of this was from an  
owner of a mobile home park and we just felt that this is not the  
time, or any justification for changing it. Thank you.

Representative CROCKETT of Augusta **REQUESTED** that  
the Clerk **READ** the Committee Report.

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

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. 71**

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

NAY - Annis, Austin, Browne W, Cebra, Chase, Cleary, Cotta,  
Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fletcher,  
Flood, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Joy,  
Knight, Lansley, Lewin, McDonough, McFadden, McKane,  
McLeod, Nass, Pinkham, Plummer, Prescott, Rector,  
Richardson D, Richardson W, Robinson, Rosen, Saviello,  
Strang Burgess, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan,  
Walker, Weaver, Woodbury.

ABSENT - Cressey, Duprey, Farrington, Fitts, Hotham, Miller,  
Richardson E, Sykes.

Yes, 94; No, 48; Absent, 8; Vacant, 1; Excused, 0.

94 having voted in the affirmative and 48 voted in the  
negative, 1 vacancy with 8 being absent, and accordingly the

Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-255)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-256)** - Committee on **MARINE RESOURCES** on Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"

(H.P. 392) (L.D. 509)

TABLED - May 16, 2007 (Till Later Today) by Representative PERCY of Phippsburg.

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

On motion of Representative PERCY of Phippsburg, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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### SENATE PAPERS

The following Joint Order: (S.P. 710)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 22, 2007. The House will convene at 9:00 and the Senate at 10:00 in the morning.

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

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### REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"

(H.P. 930) (L.D. 1322)

Signed:

Senators:

SCHNEIDER of Penobscot  
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham  
BOLAND of Sanford  
BEAUDETTE of Biddeford  
SIROIS of Turner  
HAYES of Buckfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-263)** on same Bill.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York  
CURTIS of Madison  
JOY of Crystal  
COTTA of China  
SCHATZ of Blue Hill

**READ.**

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

### ROLL CALL NO. 72

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

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

ABSENT - Cressey, Duprey, Farrington, Fitts, Haskell, Hotham, Miller, Richardson E.

Yes, 85; No, 57; Absent, 8; Vacant, 1; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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On motion of Representative LUNDEEN of Mars Hill, the House adjourned at 10:34 a.m., until 9:00 a.m., Tuesday, May 22, 2007 pursuant to the Joint Order (S.P. 710) and in honor and lasting tribute to the Honorable Edgar M. Wheeler, of Bridgewater, Richard Ray Storer, of Damariscotta and Lieutenant Colonel Jay Zeamer, Jr. (Ret.), of Boothbay Harbor.