

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Third Legislature
State of Maine

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
5th Legislative Day
Thursday, January 10, 2008

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

Prayer by Pastor Robert Gustavson, Emmaus Lutheran Church, Falmouth.

National Anthem by Julia Scott, Tenants Harbor.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.P. 816)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 8, 2008

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Associate Justice Robert Clifford of Lewiston for reappointment to the Maine Supreme Judicial Court.

Pursuant to Article 5, Part 1, §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

The Following Communication: (S.P. 817)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 8, 2008

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Justice Paul Fritzsche of Kennebunk for reappointment to the Maine Superior Court.

Pursuant to Article 5, Part 1, §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System"

(H.P. 1525) (L.D. 2146)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BURNS of Berwick, CLARK of Millinocket, DRISCOLL of Westbrook, DUPREY of Hampden, HAMPER of Oxford, HASKELL of Portland, JACKSON of Allagash, THOMAS of Ripley.

Submitted by the Maine Public Employees Retirement System pursuant to Joint Rule 204.

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

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)

(H.P. 1524) (L.D. 2145)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator PERRY of Penobscot and Representatives: CHASE of Wells, CLARK of Millinocket, WATSON of Bath, Senator: NASS of York.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Speaker CUMMINGS of Portland, the following Joint Resolution: (H.P. 1526) (Cosponsored by President EDMONDS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE UNITED STATES
CONGRESS TO SUPPORT THE CREATION OF A NATIONAL
AFFORDABLE HOUSING TRUST FUND**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, housing is at the heart of strong communities and stable neighborhoods; and

WHEREAS, safe, decent, affordable housing is key to the health and welfare of every individual and family; and

WHEREAS, the lack of affordable housing has resulted in homelessness, economic hardship, health crises and related

traumas for untold numbers of men, women and children in Maine and throughout the United States; and

WHEREAS, there are only 56 units of affordable and available housing in Maine for every 100 extremely low-income renter households and over 90,000 renter households in Maine are unable to afford the average 2-bedroom rental unit; and

WHEREAS, two-thirds of Maine's households are unable to afford Maine's median home price; and

WHEREAS, the median home price in Maine rose 68.3% and the median rent for a 2-bedroom rental unit in Maine rose 30.4% from 2000 to 2006, while median incomes rose only 17.2% in the same period, and the average fair market rent in Maine rose by another 6.7% in 2007; and

WHEREAS, more than 9,600,000 extremely low-income households in the United States pay over half of their incomes for housing and housing, representing 23% of the United States gross domestic product, is an economic stimulus and creates jobs; and

WHEREAS, the production of new housing and the preservation or rehabilitation of existing housing that is affordable for low-income people must be a national priority; and

WHEREAS, the goal of the National Housing Trust Fund Campaign is to produce, rehabilitate and preserve 1,500,000 units of housing over the next 10 years; and

WHEREAS, S. 2523, the National Affordable Housing Trust Fund Act of 2007, was introduced in the United States Senate on December 19, 2007 with the original cosponsorship and support of United States Senators Olympia J. Snowe and Susan M. Collins of Maine; and

WHEREAS, the United States House of Representatives passed H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, on October 10, 2007 with the cosponsorship and support of United States Representatives Thomas H. Allen and Michael H. Michaud of Maine; and

WHEREAS, both S. 2523 and H.R. 2895 target 75% of trust fund dollars to extremely low-income households and require that at least 30% of trust fund dollars go to households that qualify for Supplemental Security Income benefits; and

WHEREAS, the National Affordable Housing Trust Fund, as contemplated in both S. 2523 and H.R. 2895, would require no new taxes; and

WHEREAS, the Maine State Legislature is committed to addressing the affordable housing crisis; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress pass National Affordable Housing Trust Fund legislation in a timely manner; and be it further

RESOLVED: That the Maine State Legislature commends Senators Snowe and Collins and Representatives Allen and Michaud for their sponsorship and support of National Affordable Housing Trust Fund legislation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to Harry Reid, Majority Leader of the United States Senate, to Nancy Pelosi, Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 33)

ORDERED, that Representative Robert A. Berube of Lisbon be excused January 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Emily Ann Cain of Orono be excused January 2 and 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused January 2 and 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused January 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia B. Sutherland of Chapman be excused January 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Linda M. Valentino of Saco be excused January 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative David C. Webster of Freeport be excused January 2 and 3 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-642)** on Resolve, To Expedite a Workers' Compensation Case (H.P. 117) (L.D. 125)

Signed:

Senators:

SULLIVAN of York
DOW of Lincoln

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

THOMAS of Ripley
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the

Workers' Compensation Board To Issue Construction Contractor Certificates"

(H.P. 903) (L.D. 1275)

Signed:

Senators:

STRIMLING of Cumberland
DOW of Lincoln

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
THOMAS of Ripley
HASKELL of Portland
HAMPER of Oxford
DUPREY of Hampden
JACKSON of Allagash
BURNS of Berwick
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-641)** on same Bill.

Signed:

Senator:

SULLIVAN of York

READ.

On motion of Representative TUTTLE of Sanford, 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 items appeared on the Consent Calendar for the First Day:

(H.P. 4) (L.D. 3) Bill "An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-646)**

(H.P. 131) (L.D. 149) Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-647)**

(H.P. 191) (L.D. 220) Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-648)**

(H.P. 883) (L.D. 1241) Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-649)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 394) (L.D. 511) Bill "An Act To Study the Feasibility of Locating a New Bridge in the St. David Area" (C. "B" H-643)

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

ENACTORS

Emergency Measure

An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment

(S.P. 780) (L.D. 1986)

(C. "A" S-396)

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. 139 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. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

The following Joint Order: (S.P. 819)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 15, 2008 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

On motion of Representative TUTTLE of Sanford, the House adjourned at 10:42 a.m., until 10:00 a.m., Tuesday, January 15, 2008 pursuant to the Joint Order (S.P. 819).