

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
9th Legislative Day
Thursday, January 24, 2008

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

Prayer by Reverend Gary Hubley, Strong United Methodist Church.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

The Journal of Tuesday, January 22, 2008 was read and approved.

SENATE PAPERS

Bill "An Act To Advance the Maine Economy"
(S.P. 827) (L.D. 2159)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

COMMUNICATIONS

The Following Communication: (H.C. 428)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 21, 2008

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 20-A, §12304, I am pleased to appoint the following citizen to the Advisory Committee on Dental Education.

Dr. Howard A. Bates of Augusta

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Animal Welfare Laws"
(H.P. 1545) (L.D. 2171)

Sponsored by Representative PIEH of Bremen.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARTER of Bethel, CRAY of Palmyra, MAREAN of Hollis.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of the Attorney General

Representative PERRY for the **Department of the Attorney General** 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 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General (EMERGENCY)

(H.P. 1544) (L.D. 2170)

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

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

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 35)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused January 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Kathleen D. Chase of Wells be excused January 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused January 9, 10, 15 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dawn Hill of York be excused January 8 for health reasons.

READ and PASSED.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Ricky Craven, of Greenville, former NASCAR driver and current co-host on "The Driver's Seat," a NASCAR talk show, for his exceptional philanthropic activities. From 1998 to 2007, Mr. Craven led a charity snowmobile ride in the Moosehead Lake region that contributed over \$1.25 million to five charities, the local hospital, the local school and the snowmobile club. His extraordinary efforts on behalf of the Marrow Foundation, The Children's Miracle Network, the Make-A-Wish Foundation, the Travis Roy Foundation and the Give Kids the World Organization reflect Mr. Craven's deep commitment to the children of Maine. The organization and coordination of these events over a ten-year period has brought together the people, businesses and local organizations of many communities to focus on the goal of making things better for sick children. The culmination of the yearly snowmobile events has fostered a great sense of community and charity among the thousands of volunteers and participants that reflect the best traditions and motivation to service in our State. We extend our appreciation to Mr. Craven for his exemplary efforts;

(HLS 960)

Presented by Representative JOHNSON of Greenville.

Cosponsored by Senator SMITH of Piscataquis, Representative BRIGGS of Mexico, Representative CRAVEN of Lewiston.

On **OBJECTION** of Representative CRAVEN of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I thank Representative Johnson, personally, for bringing this sentiment forward. I objected to the item because I wanted to make sure that this body realized that I am really related to this great man and wish my name was on this sentiment. We are extremely proud of the impact that Ricky has on his community and wish to congratulate him. Thank you, Mr. Speaker.

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

Recognizing:

the Augusta Comprehensive Plan Commission, Les Wilkinson, Esq., and Lisa Dickson, who have received a Special Service Award for 2008 from the Kennebec Valley Chamber of Commerce. Mr. Wilkinson and Ms. Dickson have chaired a large group of volunteers to formulate a new comprehensive plan for the state capital. The tremendous commitment of time and talent by this large group of Augusta citizens will set the tone for growth, development and livability in the community for the next decade. We congratulate Mr. Wilkinson, Ms. Dickson and the Augusta Comprehensive Plan Commission and thank them for their tireless contributions to the community and the State;

(HLS 961)

Presented by Representative SILSBY of Augusta.

Cosponsored by Representative CROCKETT of Augusta, Representative BROWNE of Vassalboro, Senator MITCHELL of Kennebec, Representative CANAVAN of Waterville, Representative CONOVER of Oakland, Representative COTTA of China, Representative FINCH of Fairfield, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative HANLEY of Gardiner, Representative JONES of Mount Vernon, Representative KNIGHT of Livermore Falls, Representative MILLER of Somerville, Representative RINES of Wiscasset, Representative SMITH of Monmouth, Representative TREAT of Hallowell, Representative TRINWARD of Waterville, Senator DOW of Lincoln, Senator GOOLEY of Franklin, Senator MARRACHÉ of Kennebec, Senator McCORMICK of Kennebec.

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

READ.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my great pleasure to stand before you today to talk about two people who have made a significant difference in the City of Augusta. Lisa Dickson and Les Wilkinson have been honored by the Kennebec Valley Chamber of Commerce for a Special Service Award for their amazing work as co-chairs of our city's Comprehensive Plan Commission. They both demonstrated outstanding leadership by guiding over 100 citizens on 11 different subcommittees, on topics such as education, the environment, public safety, and etcetera. I have had the pleasure of witnessing their leadership first hand by serving on one of the subcommittees. We had to analyze where the city had been, where we want to go, and Les

and Lisa's job was to pull all these efforts together into a big comprehensive plan.

What I was most impressed with about Les and Lisa, is that they led by listening to the citizens of Augusta. No comment was ignored and every opinion honored. They solicited remarkable community participation in a truly open transparent and democratic process. I truly believe that the comprehensive plan would not be as thorough, forward thinking or optimistic about the future of our city.

On behalf of the Augusta Legislative Delegation—Representative Crockett, Representative Browne, and myself—I would like to thank both Les and Lisa for giving up lots of nights, lots of weekends for our city, because they took on the challenge with enthusiasm and dedication, so congratulations for their award. They are real true models of our civic participation for our state. Thank you.

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

Recognizing:

William and Carol Hegstrom, of Brooks, for their contributions to the farming industry in Maine. Mr. and Mrs. Hegstrom own Roaring Acres Farm, which is known for its organic produce and award-winning hay. Recently, they were acknowledged as having the oldest cow in the State of Maine. "Nonny," now 20 years old, has given over 203,560 pounds of milk and has given birth to 11 heifers and a bull. We wish William and Carol Hegstrom and Roaring Acres Farm continued success;

(HLS 963)

Presented by Representative THIBODEAU of Winterport.

Cosponsored by Senator WESTON of Waldo, Representative GILES of Belfast.

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. I rise today to proudly recognize Bill and Carol Hegstrom, farmers in Brooks, Maine.

I have known the Hegstrom's for many years. I know of their commitment to their community, to family and to what they know and love best: farming. The Hegstrom's are dairy farmers in Brooks with an excellent reputation for their organic produce and award-winning hay. They are modern day farmers with a website: www.roaringacres.com. At the website you can blog and you can learn about the price of hay, the availability of squash produce and, most recently, you can celebrate the 20th birthday of "Nonny," the oldest cow in Maine and possibly in America.

The Hegstrom's are entrepreneurial in spirit as shown by Bill's involvement with a self-storage business, Carol has a beautiful pottery shop in downtown Brooks and they are home to the Brooks Kite Club. As farmers, though, for which they are known best, Nonny's longevity is a tribute to the Hegstrom's commitment to farming and Maine's agricultural industry. As farmers in rural Maine, they work their land, they raise animals and their produce, they are good neighbors, and they give back to us in so many ways. Today, I say thank you to Bill and Carol for all of their hard work, and I wish Nonny, their beloved cow, a Happy 20th, and best wishes for many more.

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **LABOR** on Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine"

(S.P. 349) (L.D. 1032)

Reporting **Ought to Pass as Amended by Committee Amendment "B" (S-395)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-395)**.

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**. **Committee Amendment "B" (S-395)** **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, January 29, 2008.

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-659)** on Bill "An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund"

(H.P. 604) (L.D. 788)

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
CHASE of Wells
LANSLEY of Sabattus

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
WATSON of Bath
PILON of Saco

READ.

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

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "B" (H-657)** on Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

(H.P. 201) (L.D. 239)

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GREELEY of Levant
HILL of York
HANLEY of Gardiner
HASKELL of Portland
SYKES of Harrison

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

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec

Representative:

PLUMMER of Windham

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-658)** on same Bill.

Signed:

Representatives:

GERZOFISKY of Brunswick
KAENRATH of South Portland

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 482) (L.D. 1394) Bill "An Act Regarding Campaign Finance Disclosure by Political Action Committees" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-402)**

(S.P. 577) (L.D. 1672) Bill "An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-394)**

(H.P. 1444) (L.D. 2060) Bill "An Act To Create Consistency in the Authority of the Public Utilities Commission To Provide Tariff Exemptions" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1460) (L.D. 2076) Bill "An Act To Amend the Charter of the Norway Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

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:

(S.P. 11) (L.D. 1) Bill "An Act To Increase Reimbursement for Jury Duty" (C. "A" S-401)

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

ENACTORS

Emergency Measure

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

(S.P. 579) (L.D. 1674)
(C. "B" S-399)

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. 135 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material

(H.P. 4) (L.D. 3)
(C. "B" H-646)

An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault

(H.P. 131) (L.D. 149)
(C. "B" H-647)

An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

(H.P. 191) (L.D. 220)
(C. "B" H-648)

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. "B" S-397)

An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims

(S.P. 116) (L.D. 372)
(C. "B" S-398)

An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

(H.P. 883) (L.D. 1241)
(C. "B" H-649)

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)
(C. "B" S-400)

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I ask permission to speak on the record, because I want to ensure that the press, the media, is held accountable here. There will be a press conference today at 12:30 pm, downstairs in the Welcome Center. It is sponsored by the Maine People's Alliance; it is a press conference about the health care crisis in Maine and

America. I urge you to attend that press conference in support of single-payor health care, a bill sponsored by our Representative Paulette Beaudoin from Biddeford. It is an important bill and it needs our support. Thank you.

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

SENATE PAPERS

The following Joint Order: (S.P. 831)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 29, 2008 at 10:00 in the morning.

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

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

On motion of Representative ROSEN of Bucksport, the House adjourned at 11:04 a.m., until 10:00 a.m., Tuesday, January 29, 2008 pursuant to the Joint Order (S.P. 831).