

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
11th Legislative Day
Thursday, January 31, 2008

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

Prayer by Reverend Elizabeth J. Bachelder Smith, Highland Avenue United Methodist Church, Gardiner.

National Anthem by Anne Marsh, Bath.

Pledge of Allegiance.

Doctor of the day, Jo Linder, M.D., Falmouth.

The Journal of Tuesday, January 29, 2008 was read and approved.

COMMUNICATIONS

The Following Communication: (S.P. 839)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 25, 2008

Sen. Nancy B. Sullivan

Senate Chair, Joint Standing Committee on Insurance and Financial Services

Rep. John R. Brautigam

House Chair, Joint Standing Committee on Insurance and Financial Services

123rd Legislature

Augusta, ME 04333

Dear Senator Sullivan and Representative Brautigam:

Please be advised that Governor John E. Baldacci has nominated Mila Kofman of Potomac, Maryland for appointment as the Superintendent of Insurance.

Pursuant to Title 24-A M.R.S.A. §201 (2), this nomination will require review by the Joint Standing Committee on Insurance and Financial Services 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 **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Protect Consumers' Gift Card Interests"

(H.P. 1551) (L.D. 2181)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BEAULIEU of Auburn, KOFFMAN of Bar Harbor, SMITH of Monmouth, VALENTINO of Saco, Senator: HASTINGS of Oxford.

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

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

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

Sent for concurrence.

Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of Maine Ski Area

(H.P. 1553) (L.D. 2183)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator BRYANT of Oxford and Representatives: CAMPBELL of Newfield, CAREY of Lewiston, CARTER of Bethel, CRAVEN of Lewiston, HAYES of Buckfield, JONES of Mount Vernon, MILLS of Farmington, PATRICK of Rumford.

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

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

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

Sent for concurrence.

Bill "An Act To Ensure the Integrity of Prepaid Calling Accounts"

(H.P. 1550) (L.D. 2180)

Sponsored by Representative ADAMS of Portland.

Cosponsored by Senator DAMON of Hancock and Representatives: BERRY of Bowdoinham, BLISS of South Portland, CAMPBELL of Newfield, CAREY of Lewiston, CONNOR of Kennebunk, EATON of Sullivan, MacDONALD of Boothbay, Senator: BARTLETT of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services"

(H.P. 1552) (L.D. 2182)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, CAIN of Orono, DILL of Cape Elizabeth, EBERLE of South Portland, FLETCHER of Winslow, KAENRATH of South Portland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 36)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused January 22, 24 and 29 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused January 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused January 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused January 17 for legislative business

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Aarika Ritchie, of Lee, who has been named to the 2007 High School Girls Scholar All-America Team by the National Soccer Coaches Association of America. Ms. Ritchie is one of only 2 players selected from the State and 35 players from the entire country earning this distinction. She is a three-sport athlete and is planning on attending Colby College in the fall of 2008. We congratulate Aarika on her receiving this honor and offer her our best wishes for her continued success in both academics and athletics;

(HLS 973)

Presented by Representative McLEOD of Lee.
Cosponsored by Senator SCHNEIDER of Penobscot, Representative JOY of Crystal, Representative GIFFORD of Lincoln.

On **OBJECTION** of Representative MCLEOD of Lee, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

Recognizing:

Amanda Gifford, of Lee, who has been named to the 2007 High School Girls Scholar All-America Team by the National Soccer Coaches Association of America. Ms. Gifford is one of only 2 players selected from the State and 35 players from the entire country earning this distinction. She is a three-sport athlete and is planning on attending Bates College in the fall of 2008. We congratulate Amanda on her receiving this honor and offer our best wishes for continued success in both academics and athletics;

(HLS 974)

Presented by Representative McLEOD of Lee.
Cosponsored by Senator SCHNEIDER of Penobscot, Representative JOY of Crystal, Representative GIFFORD of Lincoln.

On **OBJECTION** of Representative MCLEOD of Lee, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **McLEOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in honor of these two young ladies of Lee Academy. They have spent their entire career in sports, all the way from very young ladies playing the Pee Wee Leagues up in my neck of the woods, all the way through high school.

It is an honor to stand today and honor these two young ladies. They are 2 of 35 nationwide, to be selected to the All-American Soccer Team, and both a three-sport athletes. Aarika will be attending Colby College; Amanda will be attending Bates College. Both are in the middle of basketball season and could not be here today. Would you please join me in congratulating these two young ladies in their honor? Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Resolve

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry"

(H.P. 1554) (L.D. 2184)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Resolve 2007, chapter 128, section 8.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Change of Committee

Representative PIOTTI from the Committee on **TAXATION** on Bill "An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program"

(H.P. 1484) (L.D. 2098)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

On motion of Representative PINGREE of North Haven, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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:

(S.P. 743) (L.D. 1933) Bill "An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 753) (L.D. 1959) Bill "An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 209) (L.D. 672) Bill "An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-403)**

(H.P. 397) (L.D. 519) Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 1442) (L.D. 2058) Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-663)**

(H.P. 1487) (L.D. 2101) Resolve, To Change the Name of the South Bridge between Lewiston and Auburn Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

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. 1398) (L.D. 2014) Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace (EMERGENCY)

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

ENACTORS

Emergency Measure

An Act To Clarify Confidentiality in Child Protective Proceedings

(S.P. 828) (L.D. 2161)

(C. "A" S-406)

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. 136 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.

Emergency Measure

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth

(H.P. 1092) (L.D. 1567)

(C. "B" H-652)

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

Representative PINGREE of North Haven **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 207

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Driscoll, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner,

Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Curtis, Giles, Lansley, McLeod, Richardson W.

ABSENT - Burns, Cebra, Crosthwaite, Dill, Duchesne, Dunn, Duprey, Emery, Fischer, Fitts, Greeley, McFadden, Mills, Pinkham, Piotti, Robinson, Silsby, Smith N.

Yes, 128; No, 5; Absent, 18; Excused, 0.

128 having voted in the affirmative and 5 voted in the negative, with 18 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Improve the Method of Taxing Natural Gas for Highway Use

(H.P. 409) (L.D. 531)

(C. "A" H-653)

An Act To Exempt from the Sales Tax Water Used in Agricultural Production

(H.P. 812) (L.D. 1094)

(C. "A" H-654)

An Act Regarding Campaign Finance Disclosure by Political Action Committees

(S.P. 482) (L.D. 1394)

(C. "A" S-402)

An Act Relating to Death Benefits for Certain Law Enforcement Officers

(S.P. 577) (L.D. 1672)

(C. "B" S-394)

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.

Resolves

Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law

(H.P. 421) (L.D. 543)

(C. "A" H-656)

Resolve, To Review the Law Governing Municipal Service Charges for Tax-exempt Property

(H.P. 996) (L.D. 1413)

(C. "A" H-655)

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

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. An enormous thank you to all of you. You got a note on your desk, you may not have seen it under the pile of papers, but tomorrow, February 1, "An Act to Protect Families and Enhance Public Safety by Making Domestic Violence a Crime" becomes effective. Thank you so very much.

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

SENATE PAPERS

The following Joint Order: (S.P. 840)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 5, 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 WHEELER of Kittery, the House adjourned at 10:54 a.m., until 10:00 a.m., Tuesday, February 5, 2008 pursuant to the Joint Order (S.P. 840) and in honor and lasting tribute to Peter N. Thompson, of Kittery and Timothy R. Fenno, of Falmouth.