

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
SECOND REGULAR SESSION  
13th Legislative Day  
Wednesday, February 6, 2008

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

Prayer by Reverend Jennifer Emrich, First Universalist Church of Yarmouth.

National Anthem by Honorable Emily Ann Cain, Orono.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 842)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the Senate, a bill regarding parental consent to dispense prescription drugs to children.

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

**READ.**

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

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Bill "An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 843) (L.D. 2185)

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.

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Bill "An Act To Promote Residential and Commercial Energy Conservation"

(S.P. 841) (L.D. 2179)

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

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

On motion of Representative BLISS of South Portland, **TABLED** pending **REFERENCE** and later today assigned.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1566) (L.D. 2196)

Sponsored by Representative MARLEY of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator DAMON of Hancock.

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

Representative PIEH for the **Department of Agriculture, Food and Rural Resources, Board of Pesticides Control** 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 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

(H.P. 1564) (L.D. 2194)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

Representative PIEH for the **Department of Agriculture, Food and Rural Resources, Board of Pesticides Control** 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 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

(H.P. 1565) (L.D. 2195)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative GERZOFKY for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes"

(H.P. 1567) (L.D. 2197)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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 item:

**Recognizing:**

John "Jack" Hersom, of Sidney, winner of the James J. Fitzpatrick Trophy, which is presented each year to the top senior football player in the State. Jack is the quarterback for the Lawrence High School Football Team and led the team to its second straight Pine Tree Conference Class A title. He is a very mature, motivated, exemplary young man. He is respected highly by both peers and faculty. Jack has earned honor roll status all 4 years of high school and has been a member of the National Honor Society for the past 3 years. He is a 3-sport varsity player in football, hockey and baseball. Jack was the 2007 recipient of the National "I Dare You" Leadership Award. He is active in the community by volunteering at the local soup kitchen and with the Fairfield P.A.L. Hockey and the P.A.L. Football clinics in the summer. His dedication, determination and motivation will continue to help him succeed in life. We extend our congratulations to Jack and wish him continued success in his future endeavors;

(HLS 991)

Presented by Representative FINCH of Fairfield. Cosponsored by Representative CONOVER of Oakland, Senator MITCHELL of Kennebec, Senator MILLS of Somerset.

On **OBJECTION** of Representative FINCH of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**REPORTS OF COMMITTEE**

**Refer to the Committee on Judiciary Pursuant to Statutes**

Representative SIMPSON for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (EMERGENCY)

(H.P. 1568) (L.D. 2198)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Authorize Arbitration of Property Tax Valuation Disputes"

(S.P. 555) (L.D. 1584)

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

PIOTTI of Unity

RAND of Portland  
CLARK of Millinocket  
WOODBURY of Yarmouth  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-408)** on same Bill.

Signed:

Representative:

KNIGHT of Livermore Falls

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ.**

On motion of Representative PIOTTI of Unity, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 807) (L.D. 2117) Bill "An Act To Create the Starboard Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 434) (L.D. 1248) Bill "An Act To Establish the Northern Maine Power Agency" (C. "A" S-405)

(S.P. 759) (L.D. 1965) Bill "An Act To Amend the Lucerne-in-Maine Village Corporation Charter" (C. "A" S-404)

(H.P. 1308) (L.D. 1876) Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY) (C. "B" H-669)

(H.P. 1497) (L.D. 2111) Bill "An Act To Secure the Sites Necessary for the Statewide Radio and Network System" (C. "A" H-670)

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

**BILLS IN THE SECOND READING**

**House**

Bill "An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules" (EMERGENCY)

(H.P. 1560) (L.D. 2190)

Bill "An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential" (EMERGENCY)

(H.P. 1561) (L.D. 2191)

**House as Amended**

Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"

(H.P. 279) (L.D. 349)

(C. "B" H-668)

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

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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 CONNOR of Kennebunk, the House adjourned at 10:46 a.m., until 10:00 a.m., Thursday, February 7, 2008.