

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
16th Legislative Day
Thursday, February 14, 2008

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

Prayer by Reverend Daniel C. Coffin, Small Point Baptist Church, Phippsburg.

National Anthem by Nick Knowlton, Lewiston.

Pledge of Allegiance.

The Journal of Tuesday, February 12, 2008 was read and approved.

COMMUNICATIONS

The Following Communication: (S.P. 851)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

February 8, 2008

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development

123rd Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the following for appointment to the Midcoast Regional Redevelopment Authority:

Gary Brown of Topsham

Heather Collins of Orrs Island

Beth Nagusky of Litchfield

Commissioner John Richardson of Brunswick

Pursuant to Title 5 M.R.S.A. §13083-I (2), these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

The Following Communication: (S.C. 635)

**MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

February 12, 2008

Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Jeffrey H. Moskowitz of Saco for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Susan A. Sparaco of Farmingdale for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Andre G. Janelle of Saco for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Paul A. Cote, Jr. of Auburn for reappointment as a District Court Judge.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality"

(H.P. 1582) (L.D. 2216)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CAIN of Orono, HINCK of Portland, PINGREE of North Haven, RECTOR of Thomaston, SIMPSON of Auburn, Senators: McCORMICK of Kennebec, MILLS of Somerset.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Resolve, To Provide Temporary Weight Limits for Trucks Carrying Forest Products (EMERGENCY)

(H.P. 1581) (L.D. 2214)

Sponsored by Representative COTTA of China.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: CURTIS of Madison, EATON of Sullivan, EDGECOMB of Caribou, LANSLEY of Sabattus, SCHATZ of Blue Hill, SIROIS of Turner, THIBODEAU of Winterport, Senator: DAMON of Hancock.

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.

ORDERS.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 38)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused February 5, 6 and 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused February 5 and 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kimberly E. W. Silsby of Augusta be excused January 29 and 31

for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nancy E. Smith of Monmouth be excused January 17 and February 5, 6 and 7 for legislative business and January 31 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Weddell of Frankfort be excused February 6 for personal 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:

Greenville Middle and High Schools, for their extraordinary achievements of high performance and academic excellence in public education. During the last 10 years, the Greenville school system has sent 94% of its graduates on to postsecondary education at some of the finest colleges and universities in the United States. Its students learn the values of good citizenship, teamwork and selfless service through participation in co-curricular and athletic activities. A stunning 90% of students are involved in these activities. In 2007, Greenville High School was selected by *Newsweek* magazine as one of four high schools in Maine in the top 1,300 high schools in the nation. This award was followed by the honor of being selected as one of the top 1,591 schools in the nation by *U.S. News and World Report* magazine. Last year's Scholastic Achievement Test scores placed Greenville High School among the top twenty schools in Maine; this is particularly significant for a school of under 100 students. We extend our congratulations to the school leadership, the teachers, the parents, the students and the supportive community of Greenville on this exemplary record of excellence;

(HLS 1009)

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator SMITH of Piscataquis.

On **OBJECTION** of Representative JOHNSON of Greenville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to recognize the Greenville school system.

High performing education is the ultimate in team sports. It requires a strong administrative leadership, and we are blessed to have that leadership with Superintendent Perry, Principal Brown, and Guidance Councilor Morrill. You have to have committed and participatory parents, and this school is truly the foundation of our community, and parents participate in all activities at the school. You also need motivated and inquisitive students, and we have some those students here with us today. You need a community that values education and the community

of Greenville, and surrounding areas, continually support our high school with their tax dollars. You have to have talented and experienced teachers, and we are blessed, at this time, to have a veteran teaching staff that puts education of kids ahead of everything else. So, it is with great pleasure today that we recognize these individuals. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like to extend my congratulations to those in the Gallery and to the school system. I dedicated eight years of my life to this school and the community.

As a newly married young person, I went up to the woods from South Portland and this school welcomed me and my wife, and we had eight wonderful years there. My two oldest daughters, I am proud to say, were born in Greenville and will carry that with them for the rest of their lives.

One thing I did want to say is that my first principal was Frank Tarazewich, who many in the body know. It was not until much later that I referred to him as the Honorable Frank Tarazewich, who became the Representative of Waterboro, but he was a great friend and a good administrator for me, a mentor at that time. I also served under Phil Blood, and Jim Richards, and Superintendent Ralph Ryder.

I am extremely proud of this school, and I know of the dedicated and hardworking teachers and have kept in touch with some of them, and I just want to congratulate their commitment to excellence, which I saw the seeds of it in the 1970's but they have done extraordinary things since that time, so I lend my congratulations to those that are from the community. Thank you.

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

In Memory of:

Robert E. Beals, Sr., of Phippsburg, a devoted husband and father. Mr. Beals served in the United States Army from 1946 to 1947. He married Geneva L. Wallace on August 25, 1949 at West Point. Mr. Beals was civic-minded and spent most of his life improving the health and safety of the people of Phippsburg. He was fire chief for 32 years and built several of the town's fire trucks by fabricating tanks and pumps on surplus military vehicles. Mr. Beals, his wife and his friend John Rogers started the Phippsburg Rescue with their private station wagons, stretchers and two suitcases of bandages. The growth of Phippsburg Fire and Rescue was in large part funded by the tens of thousands of dollars Mr. Beals raised by collecting returnable bottles and cans. He was a member of the Phippsburg Sportsmen's Association, the Maine State Federation of Firefighters and the Maine Fire Chiefs' Association. Mr. Beals was instrumental in the establishment of Elmhurst Center for special education services at the Hyde School. He enjoyed his family, his camp, raccoon and deer hunting, reading the weekly *Uncle Henry's* magazine, attending town suppers and breakfasts and daily contact with his comrades at Pinetree. Mr. Beals was known for his ability to fix anything and for helping everybody who came to him in need. He will be sadly missed by his loving family, his many friends and the people of the community;

(HLS 1010)

Presented by Representative PERCY of Phippsburg.
Cosponsored by Senator BENOIT of Sagadahoc.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Forgive me; I was fine until I saw Geneva. May I tell you the story of a small town in Maine and what happens when one of the essential heartbeats that works for that community, who raises his children in that community, who loves that community, dies?

When Robert Beals passed away, it was completely unexpected. Then when Pastor Dan, the wonderful prayer you gave us today, Pastor Dan called and asked if I could participate in a memorial service and sing and share my words. I had to make the decision not go, and the reason why was because my committee was in front of the Appropriations Committee, along with Agriculture, IFW, Conservation, talking about the proposed consolidation. I knew in my heart that Robert Beals would have a fit if I was not up here in Augusta speaking against that proposal, trying to come up with a different solution for efficiencies, so I did not get to go to the service. I heard it was absolutely fantastic.

The thing I realized just now is how much we lose by not being able to be at a memorial service, because that is when the tears can flow so freely and we can share all of the stories. I wanted to tell you that this legislative sentiment talks about the magic of Robert Beals, that he could fix anything, and that he could also share great advice at Pine Tree—by the way, that happens to be the local garage and gas station—and he would be there every morning, and how I will miss seeing him at the sportsmen's breakfasts and hearing his opinion about what was going on upriver in Augusta.

Thank you, Pastor Dan. He helped work and write formal words, words of sadness but such words of eloquence. Thank you, Dan.

All of us know that some people strive to leave a legacy behind, working and contriving to be remembered for something special, something lasting in human terms. Fire Chief Robert Beals, retired, did not set out in life to create such a legacy; rather he lived following his heart, and in doing so, leaves behind a legacy fit for a king. He served our Town of Phippsburg for nearly 50 years, but Bogie would not want to have the attention that we render here today; however, his life demands that we pause, contemplate his example, and consider how we, too, might make our world a better place to live in by serving humanity where and when needed. All of us in this building have people like that in our communities; aren't we blessed? We are so blessed. I want you to know that because of Robert Beals, because of other firemen and people who love their communities, our lives are free and full and passionate. Thank you so much, Ladies and Gentlemen; and Robert Beals, thank you.

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

REPORTS OF COMMITTEE

Refer to the Committee on State and Local Government Pursuant to Joint Order

Representative **BARSTOW** for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process"

(H.P. 1580) (L.D. 2213)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order, H.P. 1540.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**. Sent for concurrence.

Refer to the Committee on Judiciary Pursuant to Statutes

Representative **SIMPSON** for the **Joint Standing Committee on Judiciary** on Bill "An Act Concerning Public Records Exceptions"

(H.P. 1579) (L.D. 2212)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 432, subsection 1.

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

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. 783) (L.D. 1989) Bill "An Act To Clarify Maine's 'Do Not Call' Laws" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-413)**

(H.P. 1525) (L.D. 2146) Bill "An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1530) (L.D. 2150) Bill "An Act To Clarify Retirement Programs for Participating Local Districts" (EMERGENCY) Committee on **LABOR** 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. 754) (L.D. 1960) Bill "An Act Regarding Axle Weight on Tri-axle Farm Trucks" (C. "A" S-409)

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.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

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

(C. "C" H-658)

Bill "An Act To Require a Hearing When a Fatality Results from a Motor Vehicle Accident"

(H.P. 1384) (L.D. 1948)

(C. "A" H-673)

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 12:37 p.m., until 10:00 a.m., Monday, February 25, 2008 pursuant to the Joint Order (S.P. 852) and in honor and lasting tribute to Robert E. Beals, Sr., of Phippsburg and Timothy Newell, of Pleasant Point.

The following items were 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 Tuesday, February 12, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-672) - Committee on STATE AND LOCAL GOVERNMENT on Resolve, To Authorize the State To Convey an Unused Parcel of Land in Frenchville to an Abutting Neighbor

(H.P. 1375) (L.D. 1941)

TABLED - February 12, 2008 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-672)** was **READ** by the Clerk.

Representative BARSTOW of Gorham **PRESENTED House Amendment "A" (H-681) to Committee Amendment "A" (H-672)**, which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To clarify the purpose of this Amendment, by legal standards, we actually cannot have an emergency preamble on any land deal dealing with the state, so this just removes the Emergency Preamble and makes the bill within proper standard. Thank you, Mr. Speaker.

House Amendment "A" (H-681) to Committee Amendment "A" (H-672) was **ADOPTED.**

Committee Amendment "A" (H-672) as Amended by House Amendment "A" (H-681) thereto was **ADOPTED.**

The Resolve was assigned for **SECOND READING** Monday, February 25, 2008.

SENATE PAPERS

The following Joint Order: (S.P. 852)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 25, 2008 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings"

(S.P. 853) (L.D. 2215)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

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

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