

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
17th Legislative Day
Monday, February 25, 2008

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

Prayer by Reverend Walden C. Chandler, First Baptist Church, St. George.

National Anthem by Sinead Harvey, Whitefield.

Pledge of Allegiance.

The Journal of Thursday, February 14, 2008 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 450)

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

July 27, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Resolve 2007, Chapter 142, I am pleased to appoint the following Representatives to serve as members of the Maine Tribal-State Work Group.

Deborah L. Simpson of Auburn (House chair)

Richard D. Blanchard of Old Town

Richard C. Cleary of Houlton

Joan M. Nass of Acton

H. David Cotta of China

Henry L. Joy of Crystal

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 449)

**THE INTERDEPARTMENTAL COMMITTEE ON TRANSITION
P.O. BOX 2219
AUGUSTA, MAINE 04338**

February 14, 2008

Honorable Glenn Cummings

Speaker of the House

Maine House of Representative

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings,

Attached is the COT legislative report required under 20-A MRSA, chapter 308, Transitional Services Coordination Projects For Handicapped Persons, §7804.

It includes general information regarding the programs sponsored by this legislation and, beginning on Page 11, specific recommendations for serving this population based on the results of these projects.

While we recognize the enormous number of reports and documents you receive serving in the legislature, we hope you will take the opportunity to review this report and to read the

included passages written by the youth who we serve. These young people are just a sampling of the nearly 3,000 young people with disabilities who benefited from COT programming and training last year.

Good transitions are built on the dreams and hopes of each individual child. The COT works tirelessly to build on that hopeful message and helps each young person become an advocate for themselves and for others as they pursue their goals for the future.

Thank you for taking the time to review this report

Sincerely,

S/Michael Ashmore

Executive Director

Maine Transition Network

Staff to the Interdepartmental Committee on Transition

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 637)

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

February 14, 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 nomination:

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Mila Kofman of Maryland for appointment as the Superintendent of Insurance.

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 Protect Children from Hazardous Lead-based Paint"

(H.P. 1584) (L.D. 2218)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by Representative WEBSTER of Freeport, Senator MARRACHÉ of Kennebec and Representatives: CAMPBELL of Newfield, KOFFMAN of Bar Harbor, MILLER of Somerville, PERRY of Calais, SAVAGE of Falmouth, Senators: BRANNIGAN of Cumberland, ROTUNDO of Androscoggin, TURNER of Cumberland.

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

Committee on **HEALTH AND HUMAN SERVICES** suggested.

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

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

(H.P. 1585) (L.D. 2219)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by President EDMONDS of Cumberland and Representatives: BRYANT of Windham, CANAVAN of Waterville, CAREY of Lewiston, NASS of Acton, PATRICK of Rumford, PINGREE of North Haven, PRIEST of Brunswick, Senator: PLOWMAN of Penobscot.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory

(H.P. 1583) (L.D. 2217)

Sponsored by Representative CARTER of Bethel.

Cosponsored by Senator GOOLEY of Franklin.

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

Committee on **TAXATION** suggested.

On motion of Representative PIOTTI of Unity, the Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Resolve, To Assist Maine's Forest Products Industry (EMERGENCY)

(H.P. 1588) (L.D. 2222)

Sponsored by Representative PIOTTI of Unity. (GOVERNOR'S BILL)

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: CLARK of Millinocket, Speaker CUMMINGS of Portland, KNIGHT of Livermore Falls, RAND of Portland, WATSON of Bath, Senators: NASS of York, PERRY of Penobscot, SMITH of Piscataquis.

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

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

Sent for concurrence.

**Pursuant to Resolve
Tribal-State Work Group**

Representative SIMPSON for the **Tribal-State Work Group** pursuant to Resolve 2007, chapter 142, section 8 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Tribal-State Work Group"

(H.P. 1587) (L.D. 2221)

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.

**Pursuant to Statute
Criminal Law Advisory Commission**

Representative SIMPSON 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 Aid Victims of Identity Theft in

Securing a Police Report and To Aid Victims in Court Proceedings When Their Identities Have Been Stolen and Falsely Used"

(H.P. 1586) (L.D. 2220)

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**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Rural Community Investment"

(S.P. 239) (L.D. 790)

Signed:

Senators:

SCHNEIDER of Penobscot

COURTNEY of York

Representatives:

BEAULIEU of Auburn

SAMSON of Auburn

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

SILSBY of Augusta

RECTOR of Thomaston

BEAUDETTE of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-393)** on same Bill.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SMITH of Monmouth

CLEARY of Houlton

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

READ.

On motion of Representative SMITH of Monmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in 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. 691) (L.D. 1897) Bill "An Act To Allow Blended Sentencing for Certain Juveniles" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-415)**

(H.P. 360) (L.D. 461) Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-686)**

(H.P. 1374) (L.D. 1940) Bill "An Act To Assist Distressed Businesses Organized as Limited Liability Companies" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)**

(H.P. 1382) (L.D. 1946) Bill "An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)**

(H.P. 1445) (L.D. 2061) Bill "An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-691)**

(H.P. 1465) (L.D. 2079) Bill "An Act To Strengthen the Crime of Visual Sexual Aggression against a Child" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)**

(H.P. 1522) (L.D. 2142) Bill "An Act To Amend the Law Governing Antlerless Deer Permits" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-687)**

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 items appeared on the Consent Calendar for the Second Day:

(S.P. 783) (L.D. 1989) Bill "An Act To Clarify Maine's 'Do Not Call' Laws" (C. "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"

(H.P. 1530) (L.D. 2150) Bill "An Act To Clarify Retirement Programs for Participating Local Districts" (EMERGENCY)

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 and the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

**BILLS IN THE SECOND READING
House as Amended**

Resolve, To Authorize the State To Convey an Unused Parcel of Land in Frenchville to an Abutting Neighbor

(H.P. 1375) (L.D. 1941)
(H. "A" H-681 to C. "A" H-672)

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

**ENACTORS
Emergency Measure**

An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules

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

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. 128 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

An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential

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

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. 131 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.

Acts

An Act Regarding Certain Positions at the Public Utilities Commission

(S.P. 749) (L.D. 1955)
(C. "A" S-407)

An Act Regarding Axle Weight on Tri-axle Farm Trucks

(S.P. 754) (L.D. 1960)
(C. "A" S-409)

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.

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)

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

On motion of Representative LANSLEY of Sabattus, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 214

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Koffman, Lansley, Lundeen, MacDonald, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Patrick, Pendleton, Peoples, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector,

Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Canavan, Connor, Conover, Emery, Fischer, Jackson, Knight, Lewin, Makas, Marean, Muse, Norton, Percy, Perry, Walker.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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.

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

On motion of Representative FARRINGTON of Gorham, the House adjourned at 10:44 a.m., until 10:00 a.m., Tuesday, February 26, 2008.

An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

(H.P. 458) (L.D. 591)

(C. "A" H-635)

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-684)** on Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)

(H.P. 1310) (L.D. 1878)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China

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

Signed:

Representative:

SCHATZ of Blue Hill

READ.

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