

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

January 4, 2012 – May 31, 2012

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
11th Legislative Day
Tuesday, February 7, 2012

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

Prayer by Reverend Lester S. Dow, Jr., Richmond Corner Baptist Church.

National Anthem by Reverend Lester S. Dow, Jr. and Mary Dow, Richmond.

Pledge of Allegiance.

Doctor of the day, Andrew Iverson, M.D., Freeport.

The Journal of Thursday, February 2, 2012 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 301)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 2, 2012

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

125th Maine Legislature

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Judiciary from the review and evaluation of the Office of the Attorney General under the State Government Evaluation Act. In its review, the Committee found that the Office of the Attorney General is operating within its statutory authority.

Sincerely,

S/Senator David R. Hastings III

Senate Chair

S/Representative Joan M. Nass

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 302)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

January 26, 2012

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

125th Maine Legislature

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Environment and Natural Resources from the review and evaluation of the Board of Underground Storage Tank Installers under the State Government Evaluation Act. In its review, the

Committee found that the Board of Underground Storage Tank Installers is operating within its statutory authority.

Sincerely,

S/Senator Thomas B. Saviello

Senate Chair

S/Representative James M. Hamper

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental"

(H.P. 1333) (L.D. 1809)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Representatives: BENNETT of Kennebunk, HARMON of Palermo, KNIGHT of Livermore Falls, WATERHOUSE of Bridgton, Senators: COURTNEY of York, HASTINGS of Oxford, SHERMAN of Aroostook, WHITTEMORE of Somerset.

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

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

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

Sent for concurrence.

Bill "An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting in the Course of Their Duties"

(H.P. 1332) (L.D. 1808)

Sponsored by Speaker NUTTING of Oakland.

Cosponsored by Senator COLLINS of York and Representatives: CEBRA of Naples, CRAY of Palmyra, CURTIS of Madison, HANLEY of Gardiner, ROSEN of Bucksport.

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.

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:

Fire Chief Jeffrey Cammack, of Bangor, who is retiring after 15 years as Fire Chief and 33 years as a firefighter. Chief Cammack joined the Bangor Fire Department in 1979, was promoted to Lieutenant in 1988, to Captain in 1989 and to Assistant Fire Chief in 1994. He is a graduate of the Fire Science Technology Program at Southern Maine Technical College. Chief Cammack has been a member of the Maine Fire Protection Services Commission since 2000, one of the 21 original members of the commission. We send our appreciation to Chief Cammack for his many years of dedicated commitment to his profession, his community and to the State. We extend our congratulations and best wishes to him;

(HLS 963)

Presented by Representative CRAY of Palmyra.

Cosponsored by Senator SAVIELLO of Franklin, Senator GERZOFSKY of Cumberland, Representative LAJOIE of Lewiston, Representative LONG of Sherman, Senator FARNHAM of Penobscot, Representative GOODE of Bangor, Representative DAMON of Bangor, Representative STEVENS of Bangor, Representative PARKER of Veazie.

On **OBJECTION** of Representative CRAY of Palmyra, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm here to speak of the former fire chief from Bangor, Jeff Cammack. As I was thinking about it, I said, "Geez, what can I say about Jeff and what would others that have had an opportunity to work with him say?" So I took it upon myself to look at it while I was in the Maine Fire Chiefs' Association as well as on the Maine Fire Protection Services Commission, which Jeff is the chair of, and I looked at it and I says to myself he's a shaker and mover, controversial at times, stubborn, and also when you do talk to him and discuss different matters, depending on what they are, it may be difficult. However, I have to say that during that time, he's willing to come to an agreement half way with the individuals that he is involved with and that would be the Maine Fire Chiefs' Association as well as the commission. And I'm sure if there is somebody here from Bangor, from the council, they'd probably agree with many of the items that I just spoke about. He's a shaker and mover and he's done a lot for the Bangor Fire Department. He's done a lot for the Maine Fire Chiefs' Association as well.

At one time, in '93 when I was president of the Chiefs' Association and maybe even a little bit before, 2003, excuse me, but a little bit before I came in, in 2004, there was this fire chief that was sitting on my left-hand side and I said to myself "Where the heck does he come from? Who does he think he is talking the way he was and coming out with new directions and new subjects?" And I had to realize also that we're about 20 percent full-time firefighters and 80 percent volunteers, so there's a different mix in the Fire Chiefs' Association. However, over a period of time and when I became president of the association, I learned more about Jeff and understood him a lot better in the sense that his heart was in public safety, his heart was in serving the people of Bangor as well as his heart was in serving the firefighters throughout the State of Maine. With that said, I think I should probably stop there.

I think my last item is that I think he would fit very well in the

State Legislature as a legislator representing Bangor with all these items that I mentioned. So Jeff, good luck on your retirement and maybe some day I'll see you here. Thank you, ladies and gentlemen.

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

Recognizing:

State Fire Marshal John C. Dean, of Winthrop, on the occasion of his retirement from a 40-year career in public safety. Mr. Dean began his career as a member of the Old Town Fire Department, serving from 1971 to 1989. From 1989 to 1998, he was the Fire Chief for the Wells Fire Department. He left the Wells Fire Department to accept the position of State Fire Marshal, serving in that position for 14 years, and he was president of the National Association of State Fire Marshals from 1996 to 1998. He is one of the 21 original members of the Maine Fire Protection Services Commission. Throughout his career, Mr. Dean became known for his strong leadership and his commitment to fire safety as he oversaw the updating of Maine's fire codes to incorporate national standards. We extend our appreciation to Mr. Dean for his commitment to the citizens of the State and wish him well in his future endeavors;

(HLS 965)

Presented by Representative FLOOD of Winthrop.

Cosponsored by Senator McCORMICK of Kennebec, Representative CRAY of Palmyra, Senator SAVIELLO of Franklin, Senator GERZOFSKY of Cumberland, Representative LAJOIE of Lewiston, Representative LONG of Sherman.

On **OBJECTION** of Representative FLOOD of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank my Winthrop neighbor, Fire Marshal John Dean, for his 40 years of outstanding service in safety management and his obvious expertise in fire protection, fire investigation, and the management of the Fire Marshal's Office. His extensive career clearly indicates his devotion to serve the communities where he has lived as well as the entire State of Maine. I thank him and I recognize him for his talent in developing many of our state's fire codes and standards. I hope Mr. Dean enjoys his well deserved retirement and I certainly wish him all the best. I'm proud that he lives in Winthrop and I'm hopeful that he'll continue to reside there. He is a great citizen. Best wishes Mr. Dean. Thank you for your leadership.

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

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you again to speak about John, the previous fire marshal, the retired fire marshal. I first met John a little while after I made chief in 1994 and I wanted to bring more fire education to the Lewiston Fire Department, and at that time, working with the Maine Fire Training and Education, we were able to borrow different equipment for teaching. I decided that I wanted to borrow what they call a smoke trailer, and that trailer basically is a series of pipes and passages inside that we can change in different manners and we fill it with smoke and we had the individuals go through it with SCBAs. We also have a huge panel in the back and on the side that opens up in case there is any emergency. So anyways, I was told it was at a certain chief's

house and so I took off and I went to fetch the trailer. Low and behold, at that time I didn't know John and we met. That was our first meeting.

Then after that, being in the Maine Fire Chiefs' Association, I and two other chiefs attended the procedures where he became the fire marshal. As a matter of fact, the three individuals that were there at the time were all retired. John brought a lot of information to the Fire Marshal's Office and as it states on the sentiment, he did become a strong leadership and his commitment at the fire service was the greatest in my reign, I have to tell you, because I had difficulties in Lewiston at times. I called up John's office and he was always there to help. As a matter of fact, as trust goes, I had asked him if I could take care of certain issues within the Lewiston area so his investigators and/or he would not have to come down, and over a period of time it was agreed upon on that, and I was very, very grateful for that and it worked very well. So at this time, I'd like to wish John a very good and happy retirement and I'll probably say the same things I said for Chief Cammack. There is some place on the floor over here for you, John, if you wish to come down. Thank you, Mr. Speaker and ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative CHASE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had the privilege and the honor of working with John Dean for 10 years in Wells when I was a tax assessor and he was actually our first professional fire chief. He organized our fire department into a professional fire department and working with an all volunteer group before that, that was a tough job, but he did it really well. I also had the privilege of working with him on a complete town-wide numbering system for the Town of Wells in the hopes of moving on, which we did, to the E911 service. So he did a great job for the Town of Wells and we knew he was going on to bigger and better things. He was just better than what he was there and he did and I send my congratulations and my thank you for John for doing all the years in the fire safety. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd just like to take this opportunity to thank the former fire marshal, John Dean, for all of his active participation in the Committee on Criminal Justice and Public Safety, for the many times that he sat through long hearings and for all the technical expertise that he brought to us. We could not have done our job had it not been for his professionalism and diligence, and I thank him for that.

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

REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Resolve

Report of the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts"

(S.P. 622) (L.D. 1802)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Resolve 2011, chapter 104, section 9.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **JUDICIARY** in concurrence.

Refer to the Committee on Judiciary
Pursuant to Resolve

Representative NASS for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings"

(H.P. 1334) (L.D. 1810)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Resolve 2011, chapter 111, section 9.

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:

(H.P. 1216) (L.D. 1607) Bill "An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1304) (L.D. 1772) Bill "An Act To Enforce Prompt Payment to Career and Technical Education Regions" Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 items appeared on the Consent Calendar for the Second Day:

(H.P. 1264) (L.D. 1712) Bill "An Act Regarding the School Fund in the Town of Burlington"

(H.P. 187) (L.D. 234) Bill "An Act To Provide a Sales Tax Exemption to Commercial Horticulturists" (C. "B" H-687)

(H.P. 1209) (L.D. 1601) Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans (EMERGENCY) (C. "A" H-686)

(H.P. 1218) (L.D. 1609) Bill "An Act To Ensure the Safety of Bait Used in Maine's Fishery" (C. "A" H-690)

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Protect Legislative Intent in Rulemaking"

(H.P. 426) (L.D. 543)

(C. "B" H-688)

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.

ENACTORS

Emergency Measure

An Act To Allow the Adjutant General To Address a Joint Session of the Legislature

(H.P. 1229) (L.D. 1639)

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. 141 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.

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

On motion of Representative FLEMINGS of Bar Harbor, the House adjourned at 10:57 a.m., until 10:00 a.m., Wednesday, February 8, 2012 in honor and lasting tribute to the Honorable James C. MacLeod, of Bar Harbor.