

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

April 7, 2006 - May 24, 2006

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**CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-1041) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Safeguard Maine's Highways"**

(H.P. 1347) (L.D. 1906)

Which was **TABLED** by Representative **CURLEY** of Scarborough pending **ACCEPTANCE** of the Committee Report.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-1041)** was **READ** by the Clerk.

Representative **CURLEY** of Scarborough **PRESENTED House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative **Curley**.

Representative **CURLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to be the sponsor of LD 1906, "An Act to Safeguard Maine's Highways," it's also known as "Tina's Law" and the "Suspended Driver's License Bill." The goal is to get drivers with suspended licenses off of Maine's highways. I want to thank the Criminal Justice Committee for their unanimous committee report and the Turcotte family for their commitment to following this bill through to its passage. As many of us know, Tina Turcotte was killed on the highway last summer and many of us were caught in that traffic jam. Of course, the bill can do nothing to take away the grief of the family, but all of us want to prevent that from happening again, if we can. At Ms. Turcotte's memorial her friends and family asked me to do something about "it." "It" was the fact that the driver who caused the accident and took her life had 22 license suspensions and 63 driving convictions. The night before the accident the same driver was stopped in New York, he showed a Maine license to a police officer and went on his way despite the fact that his license had been suspended. We all wondered if he was the poster child for bad drivers, but unfortunately it was just the tip of the iceberg. As we drilled down into the problem of suspended licenses it was clear that this was much larger than any of us could have imagined. In fact routine traffic stops by local police since August of 2005 have shown that 1 out of 25 drivers on the highway today has a suspended license. That's 1 out of every 25 drivers. This morning when I was driving up from Scarborough I counted 3,200 cars, just from my house to the State House. Could it be that 100 of those drivers plus should not be on the road? The purpose of the amendment 1049 is to strengthen the bill that came out of committee. The amendment specifies that a person who while knowingly operating with suspended or revoked license, in fact, causes the death of another, they're subject to a minimum term of imprisonment of 5 years. The unanimous committee report does a few things; first it asks the Secretary of State to make every effort to physically take the license from a driver who's had it suspended. The most important part of the bill is that it raises the level of fines and potential jail time for habitual offenders, the worst of the worst. The key word here is "potential" it does not have mandatory jail time even for someone who knowingly is on the highway when they should not be driving and this does not cover suspensions for not paying child support, not having your car registered, not having car insurance. These are serious

vehicular suspensions. Two parts of the original bill were stripped away, one towing or immobilizing the vehicle. I personally like that one. I felt that if you have had 3 major suspensions you should not be driving a car. In the City of Portland, if you have 3 unpaid traffic tickets your car gets the boot, but it was removed from the bill. It's difficult and we didn't want to harm any families who needed to get their children to school, or get to work, just because their significant other or someone in their family had bad judgment. So this amendment before us adds back mandatory minimum sentences, very unpopular topic around the statehouse these debates. This isn't an extreme sentence of 20 or 25 years, its 5 years and that's causing death. Legal council could certainly ask for more than 5 years, but at least some jail time would be served. It's time to say to people who continue to drive with suspended licenses enough is enough. When our friends, neighbors and family get in their car every morning to go to work, school or the grocery store, they should not be looking left or right out of their car window wondering who driving toward me or passing me has a suspended license and should not be on the road. I ask for your support to make Maine's highways safer and vote yes on the pending amendment. Thank you.

On motion of Representative **CUMMINGS** of Portland, **TABLED** pending **ADOPTION of House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041)** and later today assigned.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-1041) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Safeguard Maine's Highways"**

(H.P. 1347) (L.D. 1906)

Which was **TABLED** by Representative **CUMMINGS** of Portland pending **ADOPTION of House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041).**

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative **Blanchette**.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do apologize for my indecisiveness, but we've been running up and down the stairs trying to do some votes as you all understand. I'm going to ask you to really consider what you are voting for on this bill. I respect the good Representative from Scarborough Representative **Curley** and her forthrightness to bring what she feels is a good amendment to a unanimous bill out of Criminal Justice and Public Safety. I am a tad puzzled because of all of the Reps in the House that have come before my committee, we accepted more input from the good Representative from Scarborough Representative **Curley** on this particular bill than we have ever been known to do and it would have been a lot easier if my whole committee had had a chance to look at this bill. My primary objection to it is that I have adamantly and consistently voted against mandatory minimums. "Tina's Law" as presented without this amendment is a good bill. It's a bill that the State of Maine needs, it's a bill that is enforceable and it's a bill that is friendly to both the courts, the prosecutors and everybody involved with taking habitual bad drivers off the road and holding them accountable. This amendment is going to muddy the waters once again. When you start dictating and directing the judicial system that they absolutely have to without ever a piece of evidence been presented before the courts. I have to remind you that I just said this to someone, we were have a little bitty

conference in the Speaker's Office, that if we reach that point, that I'm going to put mandatory minimums on laws that go before the courts, you know what, we've just saved ourselves a bunch of money. We can do away with the judicial system, hire clerk's of the court to work for \$25,000 a year and have them dispense the very laws that we have enacted in this legislature. I'm going to urge you to vote against this amendment, this bill was given many hours, many, many hours and a lot of thought by the Criminal Justice and Public Safety Committee. With input from a lot of people that came up and testified to the need that we need to strengthen the laws for habitual offenders, but not with mandatory minimum sentencing. Had it been brought before the committee and the committee had discussed it I'm sure the recommendation from the committee would have been not to impose mandatory. Mandatory does nothing, absolutely nothing, but muddy the waters in the judicial system. Ladies and gentlemen this could be you facing this court, it could be your son, and it could be your daughter. It's not a good law, it's not needed, the laws on there that can be enforced and will be enforced. I urge you to defeat this amendment and pass the bill that came out of our committee, Unanimous Ought to Pass. Thank you, Mr. Speaker.

Representative CURLEY of Scarborough **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041)**.

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 adoption of House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 526

YEA - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Jacobsen, Joy, Kaelin, Lansley, Lewin, Makas, McCormick, McFadden, McKenney, McLeod, Merrill, Millett, Moore G, Muse, Nass, Nutting, Pinkham, Rector, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Thomas, Tuttle, Vaughan.

NAY - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Churchill, Clark, Craven, Crosby, Cummings, Curtis, Driscoll, Duchesne, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Jodrey, Koffman, Lerman, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McKane, Miller, Moody, Moulton, Norton, O'Brien, Paradis, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Berube, Canavan, Dudley, Emery, Greeley, Mills, Ott, Patrick, Perry.

Yes, 60; No, 81; Absent, 10; Excused, 0.

60 having voted in the affirmative and 81 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-1049) to Committee Amendment "A" (H-1041) FAILED ADOPTION.**

Subsequently, **Committee Amendment "A" (H-1041) was ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1041)** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-1036) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-1037) - Committee on TRANSPORTATION on Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006" (EMERGENCY)**

(H.P. 1382) (L.D. 1974)

Which was **TABLED** by Representative MILLETT of Waterford pending **ADOPTION of Committee Amendment "B" (H-1037).**

Representative MILLETT of Waterford **PRESENTED House Amendment "B" (H-1054) to Committee Amendment "B" (H-1037)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a fairly simple amendment, but I would briefly explain what I'm trying to do. I would classify it first of all as a friendly amendment and a sincere one on my part to address what I consider to be some real serious concerns about the future of the Highway Fund and its ability to sustain our highway and bridge construction. It is an amendment that would codify in statute an intent to stay with a 40% General Fund share and a 60% Highway Fund share of those costs which under the Constitution are allowed to be shared for funds and costs associated with enforcing our highway laws, namely the State Police and some Attorney General. I want to make a comment or two about it, as you look at the amendment make this effective for the upcoming biennium and as the fiscal note at the very back page would indicate it would shift money from the Highway Fund as a burden to the General Fund in the upcoming biennium by approximately 5%. While there is nothing in statute currently, the appropriations in the Highway Fund bill before us right now are bearing about 65% of the cost of the State Police Bureau and the Attorney's General that do enforce highway laws. The effect of this in the upcoming biennium would estimate it to be about \$5 million in shifting away from the Highway Fund to the General Fund. Let me just identify three things and I do not intend to belabor this, but there are three things that concern me greatly. First of all, we have in the last six weeks received recommendations or translations of the structural gap for both Highway and General Fund. If you remember that it did indicate that the Highway Fund had a structural gap projected of \$80 to \$90 million. Yesterday on our desks we received the revenues for the month of March and the nine months to-date and you will find that the Highway Fund has dropped a \$1.2 million below estimates year-to-date even after being downgraded in the March revenue re-forecast. Yesterday,