

# 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

**Appendix**  
**House Legislative Sentiments**  
**Index**

Pages 1488-2248

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask. Does this amendment still incorporate the portion of the previous amendment that was adopted that we just reconsidered and now we are doing a few other things with it, but that allows an unlimited transfer of money from the rental income and the Maine Military Authority in Limestone? Does this still authorize an unlimited transfer of that money in the case of a disaster? Does it authorize the Governor to do that? Thank you.

The SPEAKER: The Representative from Presque Isle, Representative Fischer has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representatives question. I believe we were in the Legislative Council the other day we did discuss with the Director of Maine Emergency Management, that he was speaking of transferring \$1,000 out of; I believe it was the Homeland Security Fund account. In response to the question, I'm not 100 percent sure if wasn't out of that account, but it was not unlimited transfer. It was for \$1,000.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to the question of the good gentlemen from Presque Isle, Representative Fischer, having offered the other House Amendment in reviewing the press amendment, it does not change in any way that mechanism.

Subsequently, **House Amendment "D" (H-1066) to Committee Amendment "A" (S-575) was ADOPTED.**

**Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) and House Amendment "D" (H-1066) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) and House Amendment "D" (H-1066) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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#### Emergency Measure

Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management

(S.P. 694) (L.D. 1777)  
(S. "A" S-623 to C. "A" S-545)

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. 103 voted in favor of the same and 38 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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#### Acts

An Act To Establish a Food Policy for Maine

(H.P. 1497) (L.D. 2107)  
(S. "B" S-629)

An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council

(S.P. 856) (L.D. 2114)

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.

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#### Resolves

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center

(S.P. 765) (L.D. 1984)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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An Act To Safeguard Maine's Highways

(H.P. 1347) (L.D. 1906)  
(C. "A" H-1041)

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

On motion of Representative CURLEY of Scarborough, was **SET ASIDE.**

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

Representative CURLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's that time of session when our desks are covered with amendments and lengthy debate lingers on about procedural motions. With 200 messages in my in box of my e-mail, 20 messages on my cell phone this morning, I'm beginning to take inventory of what I've really done this session. What have I done to the life better for my constituents, the people of Maine or the State that we love? Passage of LD 1906, the suspended drivers' license bill or "Tina's Law" is something that everyone in this chamber and the other body can be proud of. Through one family's tragedy and their willingness to share their private grief in public, we've identified an important safety and public policy issue which affects our entire State, north and south, urban and rural. For once we're not pitted against each other. The result has been a wonderful collaboration; families, public safety, the administration, the House and Senate and all parties. It's good government. Is the bill perfect? No. I certainly would have liked the sanctions and sentences to be stronger, but it has raised awareness of every one of us and everyone in the State of Maine about the importance of getting suspended drivers off our highways. Suspended licenses have been ignored in the past, but LD 1906, "Tina's Law" clearly states this is no longer acceptable and will not be tolerated by the people of Maine and when the vote is taken, Mr. Speaker, I ask for a roll call.

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: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative MAKAS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I personally would like to commend the Representative from Scarborough for her work on this issue. My neighborhood was also affected by a similar tragedy, we lost Mark Blanchette, he was an 18 year old and his family still grieves and they will continue to grieve and this is a

small step toward alleviating the grief of future families. So I want to say, thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passed to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 540**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Dugay, Gerzofsky, Goldman, Grose, Jennings, Ott, Robinson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, 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**.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age"

(H.P. 1499) (L.D. 2108)

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested)

TABLED - April 14, 2006 (Till Later Today) by Representative TARDY of Newport.

PENDING - REFERENCE.

On motion of Representative BLANCHETTE of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 1490) (L.D. 2097) Bill "An Act To Facilitate the Maine Quality Forum" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1077)**

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

**First Day**

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

(H.P. 1370) (L.D. 1956) Bill "An Act To Recapitalize the Maine Downtown Center" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1472) (L.D. 2081) Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

(H.P. 706) (L.D. 1021)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**.

TABLED - April 13, 2006 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of same Representative to **RECONSIDER ADOPTION OF HOUSE AMENDMENT "A" (H-1028)** to **COMMITTEE AMENDMENT "B" (H-1007)**.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Hall.

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge that we stick to our original vote that we had on this amendment. Nothing has changed in the last two weeks; this is still a very good, very fiscally sound amendment. This is still the only amendment that is going to deliver the desired benefit to the great men and women who work as firefighters and municipal law enforcement officers. It is very, very wrong of us to strip this amendment off, send this bill to Appropriations knowing that it's going to die there. Please I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would