

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

Appendix
House Legislative Sentiments
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Pages 1358-2163

Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Beaulieu, Berube, Browne W, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Jacobsen, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Bliss, Cleary, Connor, Dunn, Emery, Fisher, Gifford, Joy, McFadden, McLeod, Moore, Muse, Pieh, Pineau, Rosen, Woodbury.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-452)** was **READ** by the Clerk.

Senate Amendment "A" (S-570) to **Committee Amendment "A" (S-452)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-452) as Amended by **Senate Amendment "A" (S-570)** thereto was **ADOPTED**.

Senate Amendment "A" (S-587) was **READ** by the Clerk and **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" (S-452) as Amended by Senate Amendment "A" (S-570)** thereto and **Senate Amendment "A" (S-587)** in concurrence.

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.

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-594)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-595)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness"

(S.P. 147) (L.D. 446)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594)**.

TABLED - April 10, 2008 (Till Later Today) by Representative GERZOSKY of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-594)** was **READ** by the Clerk and **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" (S-594)** in concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-575)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine Sales"

(S.P. 781) (L.D. 1987)

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** sent for concurrence.

The following items were taken up out of order by unanimous consent:

ENACTORS Acts

An Act To Amend Maine's Scallop Laws

(H.P. 1455) (L.D. 2071)

(S. "B" S-597 to C. "A" H-863; H. "A" H-889)

An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas

(H.P. 1491) (L.D. 2105)

(C. "A" H-874; S. "A" S-574)

An Act To Establish a Railroad Crossing Information Council

(S.P. 847) (L.D. 2199)

(S. "A" S-600 to C. "A" S-549)

An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog"

(H.P. 1648) (L.D. 2285)

(S. "A" S-598 to C. "A" H-943)

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.

Resolves

Resolve, Authorizing the State Tax Assessor To Sell a Certain Parcel of Land in the Unorganized Territory

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

(S. "A" S-583 to C. "A" H-946)

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

UNFINISHED BUSINESS

The following matters, 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.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-937)** - Committee on **TRANSPORTATION** on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)

(H.P. 1662) (L.D. 2304)

TABLED - April 8, 2008 (Till Later Today) by Representative PEOPLES of Westbrook.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** Report.

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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 Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 392

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Clark, Craven, Crockett, Curtis, Dill, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Gerzofsky, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Rines, Samson, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Ayotte, Cebra, Cotta, Cray, Crosthwaite, Duprey, Edgecomb, Finley, Fitts, Flood, Greeley, Hamper, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Pinkham, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Sykes, Tardy, Vaughan, Weaver.

ABSENT - Annis, Berube, Bliss, Bryant, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Gifford, Gould, Jacobsen, Joy, McFadden, McLeod, Mills, Moore, Muse, Nass, Norton, Patrick, Pieh, Pineau, Rosen, Simpson, Thomas, Webster, Woodbury.

Yes, 91; No, 31; Absent, 29; Excused, 0.

91 having voted in the affirmative and 31 voted in the negative, with 29 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative CEBRA of Naples **PRESENTED House Amendment "A" (H-966)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment that I place on this bill today provides for a legal presence requirement, in addition to the already accepted residency requirement. Legal presence would provide that our driver's licenses are more secure, that we would be able to determine whether or not someone was in the State of Maine and in the United States legally, and I would ask, Mr. Speaker, for a roll call.

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-966)**.

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 Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With great

respect, I disagree with my colleague from Naples. I should go back a second. LD 2304 came out of two bills last session; one by myself on residency, and one from the Representative from Vassalboro, Representative Browne. They basically got to the same end saying we really do have a problem in the State of Maine around the credential, and it primarily is around the residency piece. We are having people that come in the state inappropriately getting licenses, so we asked the stakeholders; we asked Representative Browne, who has been a very strong support of legal presence, has put bills in, I believe, in the past on that; advocates in the immigration community, other people who are very strong in the other direction also looked for legal presence, the Secretary State employees said go out as a stakeholders group and come back. They looked at the legal presence thing. They really felt that the best way that we could increase the confidence of our credential through this bill was the residency fees, so that is why we have moved forward with this. We are in a very strong bipartisan vote, I would say, also.

Additionally, the amendment that is before you is very prescriptive. I believe it is based on the Virginia legal presence law, and Virginia had a great deal of backlash from it because it was so prescriptive that it disallowed people who are absolutely citizens of the United States, citizens of Virginia, that they were unable to prove their legal presence. In one case, a World War II veteran who had discharge papers and 40 years of back taxes, I don't know what else makes you an American, couldn't provide his legal residence. They got into pieces of senior citizens, who, unfortunately, their vital records burned down with the Courthouse 40 years ago. I am asking you not to support this amendment. This is the first piece in what Homeland Security is asking for us to do. The Commissioner of Public Safety, I believe, as well as General Libby, serving as Homeland Security Advisor, said the residency piece fixes 98 percent of the problem. We have been downstairs and I apologize that you are at ease while we finish the other back part of that problem, but this is 98 percent of the fix and the concern around our credential. Please vote against this amendment and support the Majority Report. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-966). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 393

YEA - Austin, Ayotte, Babbidge, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

NAY - Adams, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Craven, Crockett, Dill, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Annis, Bliss, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Gifford, Joy, McFadden, McLeod, Moore, Muse, Norton, Pieh, Pineau, Rosen, Thomas, Woodbury.

Yes, 53; No, 78; Absent, 20; Excused, 0.

53 having voted in the affirmative and 78 voted in the negative, with 20 being absent, and accordingly **House Amendment "A" (H-966) was NOT ADOPTED.**

Representative MARLEY of Portland **PRESENTED House Amendment "B" (H-994)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is truly just an amendment that corrects a drafting error. In the original bill, it amends Subsection 12 and it should be Subsection 11, so it is simply a clarification of a technical error. Thank you very much.

Subsequently, **House Amendment "B" (H-994) was ADOPTED.**

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994)** and later today assigned.

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 - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-937) - Committee on TRANSPORTATION on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)

(H.P. 1662) (L.D. 2304)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994).**

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994).**

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 Engrossed as Amended by House Amendment "B" (H-994). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 394

YEA - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Cotta, Craven, Cray, Crockett, Curtis, Dill, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Nass, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Crosthwaite.

ABSENT - Annis, Bliss, Cebra, Clark, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Fisher, Gerzofsky, Gifford, Joy, McFadden, McLeod, Moore, Muse, Norton, Pieh, Pineau, Rosen, Thomas, Woodbury.

Yes, 126; No, 1; Absent, 24; Excused, 0.

126 having voted in the affirmative and 1 voted in the negative, with 24 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-994)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy who wishes to address the House on the record.

Representative **PERCY**: Thank you, Mr. Speaker. In regards to Roll Call No. 296, LD 2009, I would like to be recorded as yea; Roll Call No. 310, LD 2144, I would like to be recorded as yea; LD 2255, Roll Call No. 390, I would like to be recorded as yea.

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

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams who wishes to address the House on the record.

Representative **ADAMS**: Thank you, Mr. Speaker. Had I been present in the Chamber for Roll Call No. 349, on April 9, 2008, for House Paper 1672, I would have voted yes. Had I been present in the Chamber for Roll Call No. 366, on April 10, 2008, for LD 2265, I would have voted yes and wish that it would be so noted.

On motion of Representative PINGREE of North Haven, the House adjourned at 5:05 p.m., until 9:00 a.m., Monday, April 14, 2008 in honor and lasting tribute to Emil Landau, of Damariscotta.