

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 6, 2006 - June 5, 2007

Pages 1-681

MILLER of Somerville  
BEAUDOIN of Biddeford  
CONNOR of Kennebunk  
WALKER of Lincolnville  
LEWIN of Eliot  
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)** on same Resolve.

Signed:  
Representative:  
CAMPBELL of Newfield

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

On motion of Representative PINGREE of North Haven, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Creation of a School District in Northern Franklin County"

(H.P. 1205) (L.D. 1722)

Signed:  
Senators:  
BOWMAN of York  
MITCHELL of Kennebec  
MILLS of Somerset

Representatives:  
NORTON of Bangor  
FINCH of Fairfield  
MAKAS of Lewiston  
FARRINGTON of Gorham  
HARLOW of Portland  
SUTHERLAND of Chapman  
MUSE of Fryeburg  
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)** on same Bill.

Signed:  
Representative:  
EDGEComb of Caribou

**READ.**

On motion of Representative NORTON of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** 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. Men and Women of the House, in reference to Roll Call No. 98 on LD 1718, if I had been present I would have voted nay. In reference

to Roll Call No. 99 on LD 1851, if I had been present I would have voted yea. Thank you.

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 matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 1, 2007, 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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-379)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts"

(H.P. 1223) (L.D. 1757)

TABLED - May 31, 2007 (Till Later Today) by Representative PATRICK of Rumford.

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

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. This is my bill, LD 1757, "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts." The bill proposed to establish a pricing formula for liquor sales and to adjust agent discounts. The pricing formula should promote transparency, enhance market predictability, promote fairness, and increase Maine's competitiveness with other states. Agent discounts should increase incrementally, be funded through increased revenues and other sources, and be revenue neutral to the state.

This bill, in its present form, after having communications with Dan Gwadosky, head of the Bureau of Alcohol and Lottery, and other members who are interested in this issue, we are satisfied that the issue is taken care of. This is my bill and it is no longer needed, and I would ask that you kill my bill. Thank you, Mr. Speaker.

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

Expression of Legislative Sentiment Recognizing the Airline Community School in Aurora

(HLS 475)

TABLED - May 24, 2007 (Till Later Today) by Representative TARDY of Newport.

PENDING - **PASSAGE.**

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-167)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Repeal Term Limits for Legislators"

(S.P. 27) (L.D. 42)

In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.  
 TABLED - June 1, 2007 (Till Later Today) by Representative TARDY of Newport.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you, Mr. Speaker. May I pose a parliamentary inquiry?

The SPEAKER: The Representative from Newport, Representative Tardy, may pose a parliamentary question.

Representative **TARDY**: Thank you, Mr. Speaker. My question is whether the Committee Amendment is germane to the original bill, given that the bill originally seeks to repeal term limits, and the Committee Amendment proposes an extension?

Representative TARDY of Newport asked the Chair to **RULE** if **Committee Amendment "A" (S-167)** was germane to the Bill.

The SPEAKER: The Representative from Newport, Representative Tardy, has posed a germaneness question to the Chair. Chair will deliberate the germaneness and table it until later in today's session. Is that the pleasure of the House?

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

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

Bill "An Act To Enact the Informed Growth Act"

(H.P. 1262) (L.D. 1810)

Which was **TABLED** by Representative JOY of Crystal pending **ADOPTION** of **Committee Amendment "A" (H-355)**.

Representative JOY of Crystal **PRESENTED** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you went back to the original Divided Report, you would find it rather unusual for me to be the one up here presenting an amendment to see about getting this bill passed, because I was on the Ought Not to Pass side. However, I had checked with Maine Municipal to find out if every community in the state had the authority to develop an ordinance similar to this on their own. Of course, that is what we are talking about, is local control. We have a bill coming up disincluded in the budget, which takes away a lot of local control, and I have heard that issue stated many times. Here is an opportunity to bring back to local control, the ability to adopt ordinances.

So many times, some of the larger communities in the state will come to us with a problem, in the form of a legislative bill. Unfortunately, it may have some adverse effects on the rest of the state and yet it becomes law, and then all the other areas of the state that do not have a similar problem suffer the consequences.

This bill actually is a repeat of what we had last year that took many, many hours of debate; it was LD 1481 last year. Basically what it is designed to do, is to prevent without the people's approval of it, the creation of big box stores, stores that have 75,000 square feet and more. The amendment that I have proposed takes away the state mandate, identified in the Committee Amendment, and it removes the \$40,000 application permit fee, and replaces this with authorization for a municipality to access a fee.

Ladies and Gentlemen, if you put \$40,000 in the hands of the State Planning Office to be paid out to a developer for the economic study, then guess what the bids are going to be when they come in for that economic study? They know there is \$40,000 there, which is what your bids are going to be. If every community has the ability to access a fee, they will determine what it is going to cost to have that economic impact study done.

Some of you may remember a former member of this body, Representative Tobin, from Windham. I had the pleasure of serving with Representative Tobin on the Natural Resources Committee, despite his reluctance once he found out that a former member of this body, Representative Martin and Representative Joy, were on the same committee, he went to our leadership and asked to be taken off. However, he persisted and we talked him into staying.

Representative Tobin probably is the most knowledgeable in the state about zoning, community planning, and comprehensive plans. I would say that I know that on many of occasion, there are people from all kinds of communities, all across the state that called and asked his advice. In talking to him on this particular proposal, I asked him where he stood on what I was proposing and he was in favor of it. In fact, he said, "If you know any big box stores that are out there and want to come to Maine, send them to Windham." He is ready for them because they have their zoning in place, they have their community planning in place, and they have their comprehensive plan there. If that is done, he said there is absolutely no problem that a community will have with their development.

Yes, we realize that a lot of the smaller communities do not have their comprehensive plans done, they do not have zoning done; however, this enables them to adopt the Informed Growth Act, and it does not come through as a mandate. Too often we sit down here in Augusta and we pass bills that come out to the communities, they must do this, they must do that. This gives them the option of local control. I think that the Amendment is very well self-explanatory, and Mr. Speaker, when the vote is taken I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative BARSTOW of Gorham moved that **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**.

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 Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is always with great hesitation that I rise in opposition to my good friend from Crystal. At the same time though, at wanting to preserve the work of my Committee, and the multiple work sessions that we had on this bill, and the compromise that I think we did go through, to make sure there were multiple facets of local control with regards to the Informed Growth Act and LD 1810.

First of all, in looking at the Committee Report and the bill, with the information that is provided through the study and with the data that may already exist through previous studies, you will find that half of that is all compiled by a consultant and given to the community that is considering this decision of whether or not