

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

An Act To Limit the Liability of Ambulance Services in Maine
(H.P. 287) (L.D. 385)
(C. "A" H-543)

TABLED - June 2, 2005 (Till Later Today) by Representative
PELLETIER-SIMPSON of Auburn.
PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative PELLETIER-SIMPSON of
Auburn, the rules were **SUSPENDED** for the purpose of
RECONSIDERATION.

On further motion of the same Representative, the House
RECONSIDERED its action whereby the Bill was **PASSED TO
BE ENGROSSED as Amended by Committee Amendment
"A" (H-543).**

On further motion of the same Representative, the rules were
SUSPENDED for the purpose of **FURTHER
RECONSIDERATION.**

On further motion of the same Representative, the House
RECONSIDERED its action whereby **Committee Amendment
"A" (H-543)** was **ADOPTED.**

On further motion of the same Representative, **Committee
Amendment "A" (H-543)** was **INDEFINITELY POSTPONED.**

The same Representative **PRESENTED** House Amendment
"A" (H-693), which was **READ** by the Clerk and **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended
by House Amendment "A" (H-693)** in **NON-CONCURRENCE**
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. 629) (L.D. 910) Bill "An Act To Include Regional
Transportation Systems under the Maine Tort Claims Act"
Committee on **JUDICIARY** reporting **Ought to Pass as
Amended by Committee Amendment "A" (H-691)**

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

There being no objection, the House Paper was **PASSED TO
BE ENGROSSED as Amended** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting
**Ought to Pass as Amended by Committee Amendment "A"
(S-369)** on Bill "An Act To Improve the Business Equipment Tax
Reimbursement Program"

(S.P. 541) (L.D. 1557)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland
COURTNEY of York

Representatives:

CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
PINEAU of Jay
HUTTON of Bowdoinham
WATSON of Bath
SEAVEY of Kennebunkport

Minority Report of the same Committee reporting **Ought Not
to Pass** on same Bill.

Signed:

Representatives:

BIERMAN of Sorrento
HANLEY of Paris

CLOUGH of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS
AS AMENDED** Report **READ** and **ACCEPTED** and the Bill
**PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-369).**

READ.

On motion of Representative **WOODBURY** of Yarmouth,
TABLED pending **ACCEPTANCE** of either Report and later
today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 655) (L.D. 936) Bill "An Act To Amend the Maine Tort
Claims Act" Committee on **JUDICIARY** reporting **Ought to Pass
as Amended by Committee Amendment "B" (H-694)**

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

There being no objection, the House Paper was **PASSED TO
BE ENGROSSED as Amended by Committee Amendment
"B" (H-694).**

Representative **PELLETIER-SIMPSON** of Auburn moved that
the House **RECONSIDER** its action whereby the Bill was
**PASSED TO BE ENGROSSED as Amended by Committee
Amendment "B" (H-694).**

Subsequently, the same Representative **WITHDREW** her
motion to **RECONSIDER.**

The **SPEAKER:** The Chair recognizes the Representative
from Lincoln, Representative Carr.

Representative **CARR:** Thank you Mr. Speaker. Mr.
Speaker, Men and Women of the House. LD 936 is one of those
bills that has been around for a while. It was in committee for a
considerable amount of time. It is a bill that the committee
worked 5-6 weeks on and, as you know, when it came down here
it was hotly debated and we had some very close votes. I want
to thank the Chairs of the Judiciary Committee, Representative
Pelletier-Simpson and Senator Hobbins for doing what I think is
the right thing and that his to allow us to take it back to committee
and redo this. By doing that we were able to come to an
agreement and what this will actually do now is that it will do
away with the liability part on the operator of an emergency
vehicle. In other words, a police officer that is involved in an
accident would not be held liable but the municipality, the county
or the state would be. A couple of things that I want to put in the
record are that it is our understanding in the committee and the
way that this is drafted that a criminal vehicle involved in an
accident with an innocent third party would not have a liability to
the municipality, county or the state, the same if the criminal
vehicle collided with a tree and was the only vehicle involved. If
the police vehicle causes a criminal vehicle to swerve and hit a
tree then they would not be held liable and if the criminal vehicle
causes an innocent third party to swerve and hit a tree. Those
things I wanted to put in the record.

Basically, what this bill does for the operator of the vehicle is
that the Norton decision would remain in effect as it relates to
immunity for an operator or an employee of an emergency
vehicle. It would also allow the innocent people, such as the
Nortons in this particular case, that brought this all to a head to
go to court and to seek damages from the state, the county and

the municipality. I think that was a good decision Mr. Speaker and I think that it was a job well done by the Chairs of the committee and by all of the committee members and I thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As the sponsor of this bill I accept this amendment as a friendly amendment to my bill and as a good compromise considering the debate that we had last week and I would urge the members to support this amendment. Thank you.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Amend the Maine Wind Energy Act"

(S.P. 477) (L.D. 1379)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY HOUSE AMENDMENT "A" (H-667) AND SENATE AMENDMENT "A" (S-322) thereto in the House on June 9, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365)** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

**CONSENT CALENDAR
First Day**

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

(H.P. 1145) (L.D. 1622) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

BILLS HELD

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

- In House, **PASSED TO BE ENGROSSED.**

HELD at the Request of Representative DUDLEY of Portland.

Representative DUDLEY of Portland moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

Representative PATRICK of Rumford **REQUESTED** a roll call on **RECONSIDERATION.**

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 Dudley.

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think that the situation we are in now is a good illustration why it is never a good idea to forgo the public hearing process or at least it is rarely a good idea. There are implications to our putting this on the ballot in November that relate to other matters that this body has considered this session and I am not sure that all of us have considered those implications. I think it would be in our interest to, at the very least, if we are not going to go through the public hearing process, to give this thing a few days and to give ourselves a little time before we have no further opportunity to amend. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to ask the 97 people who voted on roll call 310, Passage to be Engrossed, authorizing tribal commercial track/slots in Washington County to stick with me and follow my light.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To those same 90 some odd votes that went with the previous speaker I would like to remind them that this is still about procedure and it could be your bill next time. I tried to make this argument once before with my bill when it got sent over to Rules and I didn't win. It really, really shouldn't be about what you believe. I know that that is hard. It is so hard to separate what you believe. It is about procedure that protects every single one of us in this room. It is about having advertisements for our hearing. It is about people coming to that room and it is about the whole committee listening to the testimony that we provide. It is about us being nervous and having to go to a committee and present our ideas and things that we feel so passionate about and it is about a committee process that votes for that bill and out of committee comes a product and then, because the product isn't what we expected we are going to find a way to get around this? This is the issue. It is not about whether you agree that Washington County deserves it or whatever else you agree with. It is about the procedure and the precedent that we are setting and believe me, if you don't listen it is going to be your bill that you care about and you are going to feel the same way. That is what we have to be focused on - procedure, your bill and thing that you believe in. The rules that we live by here, that is what this is about. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to talk about procedure and the importance of following procedure. Just the other day LD 1688 came before this body and, low and behold the gavel banged down on it and guess what. We accepted the bill that allowed reciprocity between Maine and New Hampshire on snowmobile trails and guess what, Mr. Speaker and Men and Women of the House, there wasn't a public hearing. We all accepted that. There was no public hearing. All I would say is continue to follow my light. Thank you.