

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

going to read a bit from an article in the *Portland Press Herald*, from when he was first nominated to the Maine Supreme Judicial Court.

Howard Dana had what any politically active lawyer would want: power, influence, and access to the highest levels of the White House. Then he gave it all up for a principle. Serving on the Federal Board that oversees Legal Services for the poor, Dana believed deeply that all Americans should have access to the courts, but Ronald Regan wanted to abolish the program and Dana was soon fighting the President that appointed him. Dedication to principle and a strong belief in access to justice are two of his qualities. He built a reputation for integrity, fairness, intellect, and hard work. Also, a very strong understanding of the law, and according to this article, he is also a really nice guy according to his friends.

Our Dana was one of the founders of the Maine Volunteer Lawyers Project and became a director of the Maine Bar Foundation, a philanthropic arm of the Bar Association. In the sentiment, it mentioned he was a recipient of awards, but it failed to mention that because of his efforts to make justice accessible, he set such a high standard that the Bar Foundation created the Howard H. Dana, Jr. Award, in his name.

I would just like to read a couple of quotes from Justice Dana. "The loss of justice in a society is an intolerable result of tough fiscal times," Dana said in a recent interview. "Anyone who values this society, values our fundamental liberties has a stake in making sure that justice is available to everyone. Liberty and justice for all, is neither a liberal or conservative doctrine, it is a principle that is shared by Americans, Republican, and Democrat."

The people of the State of Maine have been very fortunate to have a man of such high principle, serving for us for these last 14 years on our Supreme Judicial Court. Thank you, for your service.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You are certainly not in error in recognizing an individual of whom we are speaking. I just want to add my two cents worth, maybe five cents worth, but not more than two minutes worth.

Justice Dana has been a remarkable addition to the Maine Supreme Court for the last 14 years. He is also, as you know, a Maine native and a 1962 graduate of Bowdoin College. He also received the Preservation of Freedom Fund Prize from Bowdoin. This is a prize that is established to stimulate understanding and appreciation of the rights and freedoms of the individual, as guaranteed under the Constitution. This is a gentleman who has stood out among his peers, as a person who upholds and honors the Constitution of the United States and the Maine State Constitution.

He is also Chairman of the American Bar Association Task Force on Access to Civil Justice. He proposed extending the right to publicly funded legal assistance, now guaranteed as you know, for people charged with crimes, to any low-income person engaged in civil matters where basic human needs are at stake—those involving shelter, sustenance, safety, health, and child custody. This is a gentleman that believes that every person in the United States deserves the right to representation, and he has worked very hard to assure that right of representation. He was a law clerk for Justice Edward T. Gignoux, a gentleman whom I remember personally. He was also appointed, as you know, to the Board of Directors of the Legal Service Corporation, by President Regan in 1982, and by President George H. W. Bush in 1990.

In 1994, when Federal funding was denied to organizations such as Pine Tree Legal Services on the condition that they stop engaging in class action law suits and lobbying on behalf of poverty ridden clients, Justice Dana was a leader in finding funding for the Maine Equal Justice Partners, a group we hear a lot from today under the dome. It is an alternative organization that continues the work that used to be done by Pine Tree Legal Services.

As an ardent supporter for justice for all, I applaud his efforts and urge him to continue. I hope to see him in the halls of this body and continuing in those efforts. As a trial lawyer who has argued nearly 100 cases in the Maine Supreme Judicial Court, it has always been a pleasure to appear before the Court, with Justice Dana as a member. He has always been a gentleman and given due deference to the hard work of attorneys and litigants who appear before him. We will always respect him. We hope to see him back as an active person, as a retiree from the bench, and look forward to his continued guidance and wisdom in retirement. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

COMMUNICATIONS

The Following Communication: (H.C. 220)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 26, 2007

To the Honorable Members of the 123rd Maine Legislature:
I am enclosing LB. 1, L.D. 805, "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County," which I am vetoing pursuant to Art. IV, Part III, Section 2 of the State Constitution.

My opposition to the expansion of gambling in Maine is well documented and unwavering. As presented, this bill would authorize doubling the total number of slot machines statewide, and would bring gaming into a part of the State that currently has none. For these reasons alone, I have serious concerns about this legislation.

What is most troubling about this bill, however, is that it would expand gambling without the approval of Maine's citizens. Major expansions of gaming have justifiably been brought before the people of Maine through the citizen initiative process. Gaming proposals like L.D. 805, and the one approved by the voters in November 2003, so alter the fabric of the State that all of its citizens, not just the elected members of the Legislative and Executive branches, deserve an opportunity to be heard. Supporters of expanding gambling into Washington County recognize this. They have collected the more than 50,000

signatures necessary to place this legislation on the November 2007 ballot. Only if L.D. 805 is vetoed and that veto is sustained, however, will the citizens of Maine have their rightful say on this important issue.

With these concerns and commitments, I hereby veto L.D. 805 and respectfully urge you to sustain it.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"
(I.B. 1) (L.D. 805)

The SPEAKER: The pending question before the House is shall this Bill become a law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 38V

YEA - Annis, Austin, Beaulieu, Browne W, Cleary, Cotta, Eaton, Edgecomb, Emery, Farrington, Finley, Fitts, Fletcher, Gifford, Giles, Grose, Harlow, Hinck, Jackson, Jacobsen, Lundeen, Makas, McFadden, McLeod, Millett, Moore, Muse, Pendleton, Perry, Pieh, Pinkham, Robinson, Saviello, Schatz, Tardy, Theriault, Tibbetts, Walcott.

NAY - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Chase, Clark, Connor, Conover, Craven, Cray, Crockett, Curtis, Driscoll, Duchesne, Dunn, Duprey, Eberle, Faircloth, Finch, Fischer, Fisher, Flood, Gerzofsky, Gould, Greeley, Hayes, Hill, Hogan, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Marean, Marley, Mazurek, McDonough, McKane, Miller, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Richardson D, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Ayotte, Beaudette, Berube, Campbell, Cebra, Cressey, Crosthwaite, Dill, Hamper, Hanley S, Haskell, Hotham, Joy, Pineau, Plummer, Rector, Richardson E, Richardson W, Sykes, Vaughan.

Yes, 38; No, 92; Absent, 20; Vacant, 1; Excused, 0.

38 having voted in the affirmative and 92 voted in the negative, 1 vacancy, with 20 being absent, and accordingly the Veto was sustained.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)** on Bill "An Act To Amend the Laws Governing Credit Card Companies"

(S.P. 302) (L.D. 951)

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta

VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

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-48)**.

READ.

On motion of Representative BRAUTIGAM of Falmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-48)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 1, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims"

(S.P. 406) (L.D. 1218)

Signed:

Senators:

SULLIVAN of York
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
TREAT of Farmingdale
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham
RICHARDSON of Warren
SAVAGE of Falmouth
McKANE of Newcastle

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative BRAUTIGAM of Falmouth moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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