

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
April 5, 2005

Senate called to order by President Beth Edmonds of
Cumberland County.

Prayer by Reverend Dr. Mark Doty of the Hammond Street
Congregational Church, UCC of Bangor.

REVEREND DOTY: Let us pray. Oh Holy One, as we celebrate the coming of spring, we come into Your presence this day powerfully aware of the goodness of Your creation and out debt to you. Most loving God, You have granted to us dominion of the world You have made. Teach us again to be responsible stewards of all that You have entrusted to us. We lift up before You, oh God, the people of this Senate. We are deeply grateful for their willingness to be public servants, for their desire to set before the people of Maine lives of integrity and strength of character. We thank these women and men for modeling the inclusiveness, which comes with diversity, which is truly celebrated. Most loving God, we pray that You might grant to these Senators and those who assist them strength of mind, courage of conviction, and wisdom to discern the correct path. Give them grace this day to do the work You would have them do and may their labors be accomplished with joyful, caring spirits. All this we ask and pray in Your name. Amen.

Doctor of the day, Dr. Buell Miller of Richmond.

Reading of the Journal of Monday, April 4, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card"
H.P. 1069 L.D. 1522

Bill "An Act To Update Professional and Occupational Licensing Laws"
H.P. 1071 L.D. 1524

Bill "An Act To Amend the Real Estate Brokerage Laws"
H.P. 1072 L.D. 1525

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents"
H.P. 1068 L.D. 1521

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Facilitate Summer Youth Employment"
H.P. 1084 L.D. 1543

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act Regarding Published Descriptions of Recreational Trails That Cross Certain Parcels of Private Property"
H.P. 1066 L.D. 1519

Bill "An Act To End the Use of Wire Neck Snares"
H.P. 1076 L.D. 1531

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Create Lower-cost Health Insurance Options"
H.P. 1070 L.D. 1523

Bill "An Act To Establish a Cooperative Approach to Health Care Coverage"
H.P. 1086 L.D. 1545

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families"
H.P. 1077 L.D. 1532

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Prevent Algae Blooms in Gulf Island Pond"
H.P. 1078 L.D. 1533

Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances"
H.P. 1080 L.D. 1535

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Ensure Appropriate Development in Lands under the Jurisdiction of the Maine Land Use Regulation Commission"
H.P. 1088 L.D. 1547

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Provide Reimbursement for Road Maintenance to Property Owners in the Unorganized Territory"
H.P. 1067 L.D. 1520

Bill "An Act To Encourage the Production of Biodiesel from Forest Products, Agricultural Products and Waste Vegetable Oil"
H.P. 1079 L.D. 1534

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1087 L.D. 1546

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Reduce Property Taxes by Reforming County Government"
H.P. 1081 L.D. 1536

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Senator **PERRY** of Penobscot moved to **REFER** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **REFER** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Off Record Remarks

Bill "An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads"
H.P. 1085 L.D. 1544

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

**Pursuant to Statute
Department of Education, State Board of Education**

The **Department of Education, State Board of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 1074 L.D. 1529

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1075 L.D. 1530

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Family Law Advisory Commission**

The **Family Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2 asked leave to report that the accompanying Bill "An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues"

H.P. 1073 L.D. 1526

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Order

The following Joint Order:

H.P. 1089

ORDERED, the Senate concurring, that the Study Commission on Cumberland County Regionalization is established as follows.

1. Study Commission on Cumberland County Regionalization established. The Study Commission on Cumberland County Regionalization, referred to in this order as "the study commission," is established to study and make recommendations on regional delivery of services in Cumberland County.

2. Membership. The study commission consists of the following 6 members:

A. Two members of the Senate from Cumberland County, appointed by the President of the Senate, including one from each major political party; and

B. Four members of the House of Representatives from Cumberland County, appointed by the Speaker of the House, including 2 from each major political party.

3. Study commission cochaIRS. The first-named Senator is the Senate chair of the study commission and the first-named member of the House is the House chair of the study commission.

4. Appointments; convening of study commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the study commission shall call and convene the first meeting of the study commission, which may be no later than September 15, 2005.

5. Duties. The study commission:

A. Shall undertake a regionalization study with regard to 4 areas: water districts, waste systems, bus and transportation systems and emergency services dispatch systems;

B. Shall include all public and quasi-public entities and nonprofit corporations formed pursuant to law currently providing services in Cumberland County in the 4 areas to be studied;

C. Shall consider establishing county departments for water districts, regional waste systems and bus and transportation systems and a regional dispatch center within the Cumberland County Sheriff's Office and shall consider transferring to the county the applicable assets and debts

associated with the delivery of these services to the county's communities;

D. Shall evaluate the Portland Water District and other water districts within the county and the private and special and public laws applicable to water districts. The study commission shall propose establishing a county water district as a department of county government with governance by a board of trustees appointed by the county commissioners;

E. Shall evaluate existing regional waste systems that serve Cumberland County and York County and all laws applicable to waste systems, including the Maine Revised Statutes, Title 38, section 1304-B and the Maine Refuse Disposal District Enabling Act. The study commission shall propose establishing a county waste management authority as a department of county government with governance provided by a board of trustees appointed by the county commissioners;

F. Shall evaluate the Greater Portland Transit District, the South Portland Bus Service, the Regional Transportation Program and the Casco Bay Island Transit District and all laws pertinent to buses and transportation. The study commission shall propose establishing a bus and transportation systems agency as a department of county government with governance provided by a board of trustees appointed by the county commissioners; and

G. Shall evaluate the existing dispatch centers for emergency services. The study commission shall propose establishing a regional dispatch center or centers as a division of the Cumberland County Sheriff's Office.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the study commission.

7. Compensation. Legislative members of the study commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the study commission.

8. Report. No later than January 1, 2006, the study commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on State and Local Government and the Legislative Council. The study commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on State and Local Government may report out legislation to the Second Regular Session of the 122nd Legislature.

9. Extension. If the study commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the study commission terminates.

10. Budget. The chairs of the study commission, with assistance from the study commission staff, shall administer the study commission's budget. Within 10 days after its first meeting, the study commission shall present a work plan and proposed

budget to the Legislative Council for its approval. The study commission may not incur expenses that would result in the study commission's exceeding its approved budget. Upon request from the study commission, the Executive Director of the Legislative Council shall promptly provide the study commission chairs and staff with a status report on the study commission's budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **PASSAGE**, in **NON-CONCURRENCE**.

COMMUNICATIONS

The Following Communication: S.C. 144

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

March 30, 2005

Honorable Joy O'Brien
Secretary of State
3 State House Station
Augusta, ME 04333-0003

Dear Secretary O'Brien:

Pursuant to my authority under Public Law 2001 Chapter 649, I am pleased to appoint Bill Hanson of Hampden to the Maine Library of Geographic Information Board representing a real estate or development interest.

If you have any questions regarding this appointment please don't hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 142

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

March 29, 2005

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 142 An Act To Protect Supplemental Security Income Benefits
- L.D. 173 An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization
- L.D. 210 An Act To Allow Patients To Keep Medications upon Discharge from a Nursing Facility or Hospital
- L.D. 246 An Act To Remove Certain Orthodontic Procedures from MaineCare Coverage
- L.D. 343 An Act To Require That Health Care Providers Use Uniform Rates
- L.D. 442 An Act To Provide Health Care Savings Accounts and Health Care Management in MaineCare
- L.D. 458 Resolve, To Direct the Department of Health and Human Services To Establish a Procedure for the Timely Assessment of an Older Individual's Need for Mental Health Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 143

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

March 31, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 18 An Act To Require the Department of Transportation To Maintain the Morneault Road in Grand Isle
- L.D. 153 An Act To Require Enforcement of the Low-emission Vehicle Program
- L.D. 171 An Act To Allocate Funds To Erect a Bridge between Madawaska and Pelletier Island in St. Agatha
- L.D. 439 An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways
- L.D. 441 An Act To Change the Fine Structure for Overweight Hauling Vehicles
- L.D. 511 Resolve, Directing the State Police, Commercial Vehicle Enforcement Division To Examine Enforcement Methods
- L.D. 712 An Act To Reimburse the Town of St. Agatha and Other Towns in Category II for Costs Incurred in Erecting a Salt and Gravel Storage Shed as Mandated by the State
- L.D. 733 An Act To Reward Veterans for Their Service
- L.D. 735 An Act To Clarify Registration for Noncommercial Trucks and Registration Requirements for Nonresidents
- L.D. 823 Resolve, To Allow for Seasonal Commercial Vehicle Registration
- L.D. 911 An Act To Honor Air Force Veterans
- L.D. 1146 An Act Regarding the Fines Imposed on Overweight Vehicles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill "An Act To Amend the Laws Concerning Registration of Engineers"

S.P. 537 L.D. 1548

Sponsored by Senator **BROMLEY** of Cumberland.
Cosponsored by Representative **FARRINGTON** of Gorham and Representatives: **O'BRIEN** of Lewiston, **RECTOR** of Thomaston, **ROBINSON** of Raymond.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Pursuant to Joint Order

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Certain Boards and Commissions"
H.P. 1082 L.D. 1537

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Order (H.P. 859).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report **READ** and **ACCEPTED**, in concurrence.

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Cure an Inconsistency Regarding Judgment Liens"
H.P. 366 L.D. 491

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Maine Motor Vehicle Franchise Board Laws"
H.P. 293 L.D. 391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-90)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit Out-of-state Contributions to Organizations In a Referendum Campaign"
H.P. 450 L.D. 617

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
MOORE of Standish
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York
PINKHAM of Lexington Township
HOTHAM of Dixfield
BROWN of South Berwick

(Representative Frederick Moore of the Passamaquoddy Tribe supports the Minority Ought to Pass Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Prohibit Payment Card Skimming"

S.P. 23 L.D. 83

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-67)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service"

S.P. 246 L.D. 748

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-68)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 148 L.D. 450

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-69)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon were ordered sent down forthwith for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors"

H.P. 398 L.D. 522

Bill "An Act To Amend Appellate Review Jurisdiction of the Superior Court"

H.P. 695 L.D. 985

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations"

H.P. 318 L.D. 433
(C "A" H-81)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act To Require That All Persons Engaging in Asbestos Abatement Activities Be Subject to Licensing and Certification Requirements"

S.P. 20 L.D. 40
(C "A" S-66)

Bill "An Act To Increase the Adult Education State Subsidy by a Specific Percentage"

S.P. 38 L.D. 96
(C "A" S-63)

Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices

S.P. 82 L.D. 229
(C "A" S-64)

Bill "An Act To Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Organizations"

S.P. 100 L.D. 338
(C "A" S-65)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority
S.P. 242 L.D. 744
(C "A" S-31)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 125: Calendar Adoption, a Major Substantive Rule of the Department of Education

H.P. 340 L.D. 465

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Establish a Minimum Amount for Required Interest Payments by Insurers

H.P. 176 L.D. 237
(C "A" H-43)

An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business

H.P. 177 L.D. 238
(C "A" H-44)

An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization

H.P. 189 L.D. 250

An Act To Enhance Uniformity of Insurance Producer Licensing

H.P. 278 L.D. 376
(C "A" H-45)

An Act Limiting Recovery of Disability Benefits Subject to Offsets

S.P. 132 L.D. 408
(C "A" S-23)

An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties

S.P. 133 L.D. 409
(C "A" S-22)

An Act To Prohibit Certain Uses of a Financial Institution's Name

S.P. 151 L.D. 464
(C "A" S-24)

An Act To Provide Public Health Protection Authority to the Department of Marine Resources

S.P. 228 L.D. 691
(S "A" S-45)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/30/05) Assigned matter:

JOINT ORDER - Authorizing the Joint Standing Committee on Natural Resources To Report Out a Bill relative to laws governing growth management

H.P. 1040

Tabled - March 30, 2005, by Senator **BRENNAN** of Cumberland

Pending - **PASSAGE**, in concurrence

(In House, March 29, 2005, **READ** and **PASSED**.)

(In Senate, March 30, 2005, **READ**.)

On motion by Senator **COWGER** of Kennebec, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/30/05) Assigned matter:

Bill "An Act To Control the Spread of Methamphetamines"
S.P. 523 L.D. 1507

Tabled - March 30, 2005, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/30/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Alter Trade-in Allowances Regarding Motor Homes"
H.P. 426 L.D. 593

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-75) (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 30, 2005, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 29, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-75).)

(In Senate, March 30, 2005, Reports **READ**.)

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I hope you will follow my lead and accept the Ought Not to Pass Report on L.D. 593. An Act to Alter Trade-In Allowances Regarding Motor Homes. Basically, what it is that when you trade your car in at a dealership, you receive a trade-in tax credit for the value of that traded-in vehicle. So if you buy a \$20,000 car with a \$10,000 trade-in, you pay sales tax on \$10,000. It's the same with motor homes and campers. However, where the disparity is when if you trade a pop-up camper for a fifth wheel, or a fifth wheel for a motor home, where you are moving between classes, there is no trade-in credit. This bill would seek to extend the trade-in credit regardless of what category you trade-in from or two. I have, I think, the biggest motor home dealer in the state in my district. I see the guy on a regular basis. He's never addressed this with me. Doesn't seem to be an issue. The majority report, I think, wants to address an inconsistency, as they see it, in Maine law. I would argue that the only thing consistent about our tax code is the inconsistencies. If we address them one at a time, we would adjourn in October or November. I there may be a way to address this. I don't think it's

on this freestanding bill. It's not an issue that anyone's ever brought to my attention, including the dealer. I hope we will kill this bill. Thank you.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Off Record Remarks

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **PERRY** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED** to Wednesday, April 6, 2005, at 10:00 in the morning.