

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

Pages 1-776

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
40th Legislative Day
Monday, April 28, 2003

Representative DUNLAP of Old Town assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Pastor Darwin Vail, Bible Believing Baptist Church, Gray.
National Anthem by Albert Schweitzer Academy of the Arts Quartet, Manchester.
Pledge of Allegiance.
Doctor of the day, Richard Dillihunt, M.D., Portland.
The Journal of Wednesday, April 16, 2003 was read and approved.

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

- L.D. 258 An Act Regarding Social Worker and Human Service Provider Licensure
- L.D. 833 An Act To Facilitate Economic Development in Maine

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

Sincerely,
S/Sen. Lynn Bromley
Senate Chair
S/Rep. Nancy B. Sullivan
House Chair

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: (H.C. 164)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

April 17, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 538 An Act to Reroute the Katahdin Trail
L.D. 702 An Act To Amend the Animal Welfare Laws
L.D. 1114 An Act To Allow the Sale of Wood Chips by Uncertified Persons
L.D. 1143 An Act Concerning Endangered and Invasive Plant Species
L.D. 1194 An Act To Improve Services of Animal Shelters
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 165)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

April 17, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:

The Following Communication: (H.C. 166)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON LABOR**

April 17, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 1223 An Act Relating to Retirement Qualifications for Hazardous Materials Workers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Betheda G. Edmonds
Senate Chair
S/Rep. William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 167)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

April 17, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 853 An Act To Promote Livable, Affordable Neighborhoods
L.D. 1084 An Act To Provide Incentives for Affordable Neighborhood Developments

L.D. 1276 An Act To Amend the Sand Dune Laws
 L.D. 1472 An Act To Protect Maine's Water as a Natural Resource

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

Sincerely,
 S/Sen. John L. Martin
 Senate Chair
 S/Rep. Theodore Koffman
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 168)

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
 COMMITTEE ON TAXATION**

April 17, 2003
 Honorable Beverly C. Daggett, President of the Senate
 Honorable Patrick Colwell, Speaker of the House
 121st Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:
 Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

S.P. 381 Joint Study Order to Establish the Blue Ribbon Commission on Cooperation, Communication and Tax Equity among State, County and Local Governments
 L.D. 16 An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000
 L.D. 17 An Act to Increase the Homestead Property Tax Exemption From \$7,000 to \$20,000
 L.D. 107 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities to Limit Property Taxes for Elderly Residents
 L.D. 206 An Act to Expand the Maine Residents Property Tax Program
 L.D. 218 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Stabilize Real Estate Valuation and Protect Ancestral Homes
 L.D. 266 An Act To Provide Meaningful Property Tax Relief
 L.D. 347 An Act to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts
 L.D. 378 An Act to Enhance the Maine Earned Income Tax Credit
 L.D. 403 An Act To Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax
 L.D. 445 An Act To Facilitate Farmer Participation in the Land for Maine's Future Program
 L.D. 545 An Act To Provide Federal Civil Service Retirees the Same State Income Tax Protection as Federal Military Service Retirees

L.D. 555 An Act To Increase the Maine Income Tax Deduction for Benefits Received Under the Maine State Retirement System
 L.D. 573 An Act To Provide Property Tax Relief to Elderly Maine Citizens
 L.D. 588 An Act To Expand Eligibility for the "Circuit Breaker" Program
 L.D. 654 An Act To Establish a Flat Tax Rate for the Maine Income Tax
 L.D. 681 An Act To Amend the Law Pertaining to Tax Exemptions for Public and Private Pensions
 L.D. 753 An Act To Facilitate the Application Process for the Maine Residents Property Tax Program
 L.D. 773 An Act To Expand the Revenue-generating Authority of Municipalities
 L.D. 855 An Act To Establish Minimum Standards of Eligibility for the Property Tax Exemption for Benevolent and Charitable Institutions
 L.D. 940 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Taxes of Homes That Have Been in the Same Family for 4 Generations
 L.D. 977 An Act To Adjust Qualifications for the So-called "Circuit Breaker Program"
 L.D. 996 An Act Allowing Municipalities To Retain a Percentage of Any Increase in the Sales and Use Tax
 L.D. 1010 An Act To Exempt Military Pensions from State Income Tax
 L.D. 1080 An Act To Impose a Municipal Services Fee on Tax-exempt Property
 L.D. 1124 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Property Tax Reductions for Seniors
 L.D. 1171 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Municipalities To Assess 2nd Homes at up to Twice the Valuation
 L.D. 1178 An Act To Create a Local Property Tax Rebate Program for the Elderly
 L.D. 1208 An Act To Provide Property Tax Relief to Maine Citizens Who Meet Certain Guidelines
 L.D. 1235 An Act To Provide Property Tax Relief to Maine Resident Homeowners
 L.D. 1313 An Act To Permit a Limited Local Option Sales Tax
 L.D. 1330 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief for Maine Seniors
 L.D. 1331 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residence of the Owner

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

Sincerely,
 S/Sen. Stephen Stanley
 Senate Chair
 S/Rep. David G. Lemoine
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 169)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 17, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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. 991 An Act To Equalize Fuel Taxes on Vehicles
Used for Personal Travel

L.D. 1334 An Act To Require That Replacement
Automobile Lights Conform to Federal
Standards

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

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair

S/Rep. Ronald E. Usher

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 170)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 17, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 799 Resolve, To Improve Energy Efficiency in New
School Buildings

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Christopher Hall

Senate Chair

S/Rep. Lawrence Bliss

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 171)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TAXATION**

April 22, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1299 An Act To Fully Fund Local Education with
Sales Tax Revenues

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Stephen Stanley

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Ensure Equity for Active Retired Justices of the Supreme Judicial Court Who Perform Judicial Service"

(H.P. 1156) (L.D. 1584)

Sponsored by Representative SHERMAN of Hodgdon.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Bill "An Act Regarding Distribution of Tobacco Products"

(H.P. 1160) (L.D. 1587)

Sponsored by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator STANLEY of Penobscot.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of Human Services

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1157) (L.D. 1585)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

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

On motion of Representative NORBERT of Portland, the Resolve was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Pursuant to Statute

Department of Human Services

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1158) (L.D. 1586)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Human Services

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services (EMERGENCY)

(H.P. 1161) (L.D. 1588)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

In Memory of:

Diane Jacques, of Jay, an exceptional and inspirational mother, daughter, sister and friend. For 18 years, this young mother courageously struggled with cancer. First diagnosed with leukemia in 1985, Diane underwent a bone marrow transplant and continued to live life to the fullest. She was diagnosed with breast cancer in 1999 but continued to be an optimistic and cheerful cancer activist. She will be greatly missed by her family, friends and community;

(HLS 482)

Presented by Representative PINEAU of Jay.

Cosponsored by Senator WOODCOCK of Franklin, Senator BLAIS of Kennebec, Representative JENNINGS of Leeds.

On **OBJECTION** of Representative PINEAU of Jay, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. It pleases me and saddens me today to honor this great young lady and this great young mother who unfortunately has left us. Diane was as the sentiment indicated, a lady that lived life to the fullest. Who after being diagnosed with leukemia raised a family, was very active in the Jay/Livermore

Falls area cancer activism. The community rallied around her inspirational messages. She was a wonderful, wonderful young lady and will be sadly missed by the community. In remembering Diane with the walks we had yesterday, Diane would have been very involved with those cancer walks, words just can't tell you what a wonderful human being we have lost in the Jay/Livermore Falls area. In rallying support, even the Chief Executive has come to some of Diane's functions and contributed. This is the kind of young lady that we have lost. Thank you very much ladies and gentlemen of the House.

Subsequently, **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Electronic Calling Devices for Hunting"

(S.P. 80) (L.D. 157)

Reporting **Ought to Pass.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED.**

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 29, 2003.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate"

(S.P. 166) (L.D. 479)

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset

FLETCHER of Winslow

LUNDEEN of Mars Hill

ADAMS of Portland

BERRY of Belmont

BLISS of South Portland

GOODWIN of Pembroke

CRESSEY of Baldwin

RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)** on same Bill.

Signed:

Senator:

HALL of Lincoln

Representative:

MOODY of Manchester

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

READ.

On motion of Representative RICHARDSON of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-132)** on Bill "An Act To Increase Parental Responsibility for Restitution"

(H.P. 842) (L.D. 1139)

Signed:

Senators:

STRIMLING of Cumberland
HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
LESSARD of Topsham
GROSE of Woolwich
SNOWE-MELLO of Poland
GREELEY of Levant
MAIETTA of South Portland
SYKES of Harrison
CHURCHILL of Washburn

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

Signed:

Representative:

BLANCHETTE of Bangor

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-132)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 29, 2003.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)** on Bill "An Act To Increase the Compensation of Jurors"

(H.P. 344) (L.D. 452)

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
SIMPSON of Auburn
GERZOFKY of Brunswick
MILLS of Farmington
DUPREY of Hampden
BRYANT-DESCHENES of Turner

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BULL of Freeport
BENNETT of Caribou
SHERMAN of Hodgdon
CARR of Lincoln

Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought Not to Pass** Report.

READ.

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

On motion of Representative SHERMAN of Hodgdon, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to put on the record, this bill doesn't take place until the 122nd Legislature. It has no impact today, yet we are binding a future Legislature. The cost in this bill when you come back in the 122nd will be \$1.4 million per year. I think it is unwise that we put bills in the Legislature that doesn't take affect in this legislative session, but in the next Legislature. I would move to defeat the present motion on the floor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I rise for a couple of reasons. One is that for the first time the position of the Tribal Representative is noted in the calendar. It is a historic event.

The reason that I am on the Minority Report are two, one is budgetary and the other is because way back when when there was some idealistic philosophies left in this country, people did this on a voluntary basis, but that sort of doesn't happen anymore. Thank you.

Representative SHERMAN of Hodgdon **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Norbert.

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. Let me explain this bill for you. What this bill does is increase the compensation for jurors. Many of you have constituents or many of you have served as a juror yourself. This is long overdue. Currently jurors receive \$10 a day for the whole day to be jurors. It is true. It is public service. People have been very good about that. The fact is it is making it very difficult for people to be able to do this public service. Paid parking, for instance, in many of our courthouses, you need to pay parking as well. It just becomes a real burden. This rate, which hasn't been increased, I believe, since 1975, would go from \$10 a day to \$40 a day. The reimbursement for mileage, which is now 15 cents per mile would go up to 32 cents per mile. This is a long overdue bill as I say. The committee felt that it was responsible to implement this over time. It would not kick in until the year 2005. This would begin July 1, 2005. It is true that it does have a fiscal note. It is also true that this is something that needs to be done. I encourage you to vote for the pending motion to accept the Majority Report. I understand my good friends and colleagues on the committee. I don't think there is anyone on the committee who disagrees with this idea. Everyone supports the idea, but what is disagreed upon is should we send a fiscal note down to the Appropriations Table at this time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Let me explain to you why I am going to vote against this bill. It is not that the jurors don't deserve a raise, because they do. My problem with the bill is that we are pushing this off until July 2005, not even in this budget cycle. We don't even deal with it. We just push it off and it is exactly what got us in trouble

in the '90s. We delayed the start of fiscal responsibility to other bienniums. We won't start this program for two more years and then we won't have to worry about the fiscal impact, we will let somebody else worry about it. Let's be real about this. If we are going to do it, then let's do it this fiscal year and then we know the fiscal impact. We can take the fiscal responsibility for that. Let's not push it off to the next Legislature to deal with. Thank you Mr. Speaker.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative NORBERT of Portland to **ACCEPT** the Majority **Ought to Pass** as Amended Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(H.P. 1016) (L.D. 1386) Resolve, Regarding Legislative Review of Portions of Chapter 840, Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 1025) (L.D. 1398) Bill "An Act To Modify Water Well Reporting Requirements" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1049) (L.D. 1430) Bill "An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1066) (L.D. 1461) Bill "An Act To Improve Participation in the Farms for the Future Program" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1071) (L.D. 1466) Bill "An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1073) (L.D. 1468) Bill "An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1076) (L.D. 1471) Bill "An Act To Correct Certain Errors and Inconsistencies in Laws Relating to Marine Resources" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1086) (L.D. 1481) Bill "An Act To Clarify Provisions Governing Corporate-owned Life Insurance Policies" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 1092) (L.D. 1495) Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1099) (L.D. 1506) Bill "An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1125) (L.D. 1532) Bill "An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 724) Joint Study Order Directing the Joint Standing Committee on Agriculture, Conservation and Forestry To Study New Payment Models for the Logging Industry Committee on

AGRICULTURE, CONSERVATION AND FORESTRY reporting **Ought to Pass**

(H.P. 104) (L.D. 95) Resolve, Directing the Department of Behavioral and Developmental Services To Establish a Registry for Direct Care Workers Working with Persons with Mental Retardation Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-162)

(H.P. 160) (L.D. 201) Bill "An Act to Establish the Health Care Workforce Center" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-163)

(H.P. 266) (L.D. 323) Bill "An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-160)

(H.P. 271) (L.D. 341) Bill "An Act To Require Information on New Well Caps" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-164)

(H.P. 285) (L.D. 365) Bill "An Act To Amend the Laws Governing Antique Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-149)

(H.P. 292) (L.D. 372) Resolve, to Improve Community Safety and Sex Offender Accountability Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-158)

(H.P. 332) (L.D. 424) Bill "An Act To Increase the Availability of Handicapped Parking Spaces for People with Disabilities" Committee on **TRANSPORTATION** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-165)

(H.P. 364) (L.D. 472) Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-145)

(H.P. 458) (L.D. 628) Resolve, Directing the Department of Education To Develop Standards for Outdoor Playground Surfaces Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-150)

(H.P. 474) (L.D. 644) Bill "An Act To Assist Low-income Families To Comply with the Booster Seat Law" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-161)

(H.P. 475) (L.D. 645) Bill "An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-166)

(H.P. 497) (L.D. 680) Resolve, Directing the Department of Conservation To Create the Kennebec River Historic Waterway Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-152)

(H.P. 513) (L.D. 696) Bill "An Act To Maintain Beaches as Recreation Sites for the Public" Committee on **NATURAL RESOURCES** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-167)

(H.P. 528) (L.D. 722) Bill "An Act To Protect Children 14 and 15 Years of Age from Sexual Contact with Adults" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** as Amended by Committee Amendment "A" (H-155)

(H.P. 538) (L.D. 732) Bill "An Act To Change Child-to-staff Ratios in Child Care Centers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-168)**

(H.P. 596) (L.D. 819) Bill "An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)**

(H.P. 701) (L.D. 944) Bill "An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-157)**

(H.P. 741) (L.D. 1020) Bill "An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)**

(H.P. 857) (L.D. 1160) Bill "An Act To Amend the Membership of the Maine Fire Protection Services Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

(H.P. 938) (L.D. 1266) Bill "An Act To Protect Victims of Domestic Violence and Sexual Assault" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-154)**

(H.P. 1030) (L.D. 1403) Bill "An Act To Amend a Requirement Concerning Dioxin" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-169)**

(H.P. 1065) (L.D. 1457) Bill "An Act To Make Technical Amendments to Truck Size and Weight Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)**

(H.P. 1081) (L.D. 1476) Bill "An Act To Improve Timeliness of Unemployment Trust Fund Deposits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

CONSENT CALENDAR
Second Day

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

(S.P. 116) (L.D. 334) Bill "An Act To Establish a Transportation Assistance Program and Revolving Loan Fund" (C. "A" S-43)

(S.P. 134) (L.D. 397) Bill "An Act To Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals" (C. "A" S-40)

(S.P. 240) (L.D. 676) Bill "An Act Regarding Mortuary Trusts" (C. "A" S-39)

(S.P. 300) (L.D. 904) Bill "An Act To Educate Consumers Regarding Voluntary Repossession" (C. "A" S-42)

(S.P. 465) (L.D. 1409) Bill "An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds" (C. "A" S-41)

(H.P. 190) (L.D. 235) Bill "An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered"

(H.P. 374) (L.D. 485) Bill "An Act Clarifying the Maine Consumer Credit Code"

(H.P. 543) (L.D. 737) Bill "An Act To Clarify Inspection Standards Related to Vehicle Wheel Size"

(H.P. 914) (L.D. 1240) Bill "An Act To Amend the Regional Economic Development Revolving Loan Program"

(H.P. 197) (L.D. 242) Bill "An Act To Require the Consideration of the Cumulative Effect on Protected Natural Resources When Permitting Activities" (C. "A" H-134)

(H.P. 229) (L.D. 286) Bill "An Act To Title Mobile Homes, Boats, All-terrain Vehicles and Snowmobiles" (C. "A" H-141)

(H.P. 328) (L.D. 420) Bill "An Act Regarding the School Board of the Governor Baxter School for the Deaf" (C. "A" H-139)

(H.P. 361) (L.D. 469) Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers" (C. "A" H-123)

(H.P. 380) (L.D. 491) Bill "An Act To Manage Water Resources" (C. "A" H-136)

(H.P. 427) (L.D. 564) Bill "An Act To Clarify the Responsibilities of the Department of Environmental Protection" (C. "A" H-144)

(H.P. 507) (L.D. 690) Bill "An Act To Create a Registration Plate for Experimental Automobiles" (C. "A" H-137)

(H.P. 518) (L.D. 701) Bill "An Act Regarding the Suspension of Licenses for Failure To Pay a Fine" (C. "A" H-128)

(H.P. 574) (L.D. 775) Bill "An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities" (C. "A" H-125)

(H.P. 595) (L.D. 818) Bill "An Act To Allow Modified Automotive Suspension" (C. "A" H-122)

(H.P. 642) (L.D. 865) Resolve, Directing the Family Law Advisory Commission To Study and Report on Legal Issues Surrounding Surrogate Parenting and Gestational Agreements (C. "A" H-127)

(H.P. 652) (L.D. 875) Bill "An Act To Promote and Advance Wild Ring-necked Pheasant Propagation" (EMERGENCY) (C. "A" H-129)

(H.P. 747) (L.D. 1030) Bill "An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions" (C. "A" H-124)

(H.P. 787) (L.D. 1069) Resolve, Directing the Maine Historic Preservation Commission To Examine Available Funding for Local Historical Societies (C. "A" H-133)

(H.P. 819) (L.D. 1116) Bill "An Act Regarding University of Maine System Boards of Visitors" (C. "A" H-138)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Clarify Reciprocity for ATV Registration"
(H.P. 279) (L.D. 359)
(C. "A" H-130)

Bill "An Act To Enhance Homeland Security"
(H.P. 530) (L.D. 724)
(C. "A" H-131)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS
Acts**

An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund
(H.P. 16) (L.D. 9)
(C. "A" H-106)

An Act To Increase Protection for Endangered and Threatened Species
(H.P. 246) (L.D. 303)
(C. "A" H-105)

An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates
(S.P. 213) (L.D. 604)
(C. "A" S-34)

An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector
(H.P. 499) (L.D. 682)
(H. "A" H-110 to C. "A" H-89)

An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve
(H.P. 576) (L.D. 777)
(C. "A" H-100)

An Act To Enhance Vistas
(S.P. 267) (L.D. 788)
(C. "A" S-35)

An Act To Enhance Enforcement of Safety Zone Laws
(H.P. 614) (L.D. 837)
(C. "A" H-102)

An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients
(H.P. 711) (L.D. 954)
(C. "A" H-104)

An Act To Allow Recipients To Withdraw from Receiving Unemployment Benefits by Phone and at Any Time before Receiving Benefits
(H.P. 712) (L.D. 955)
(C. "A" H-103)

An Act To Protect the Future of the U.S. Naval Air Station at Brunswick
(S.P. 309) (L.D. 968)
(C. "A" S-37)

An Act To Ensure Effective Prosecution of Certain Repeat Offenders
(S.P. 317) (L.D. 976)
(C. "A" S-33)

An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998
(S.P. 365) (L.D. 1093)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004
(H.P. 852) (L.D. 1153)

An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes
(S.P. 386) (L.D. 1182)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolves

Resolve, Regarding State Designation of Memorials Honoring the Underground Railroad
(S.P. 75) (L.D. 152)
(C. "A" S-36)

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

An Act To Require Continuing Education for Professional Engineers
(S.P. 320) (L.D. 979)
(H. "A" H-109)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative COWGER of Hallowell, was **SET ASIDE.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I do not object to this bill, but as one of two of the professional engineers in this body, I just wanted to make a couple comments on the record. I have consulted with the House Chair of this committee and just want to clarify that this bill is not intended to require classroom hours or seminar hours as part of the so-called continuing professional education hours referred to in the bill. It is the intention of this legislation to also give credit for discussion amongst engineers, attendance at planning board meeting or other venues where engineering ideas are discussed other than classroom and seminar hours. I just wanted the record to reflect that. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. As the second registered professional engineer in this body, I would like to add to the remarks of my colleague from Hallowell. Also, agreeing that I support the concept of this bill and with these remarks on the record we will ensure that the opportunity to self-certify the training hours the way it will be interpreted in the future. It is important to do it this way so that the large engineering companies do not end up dominating the market and driving the individual professional out of business, which is where our concern comes from. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I rise to support the statement of both of these independent engineers. It is the intention of the Business, Research and Economic Development Committee to simply begin to say that going along with Maine Learning Results even within our elementary system, professional growth, life long

learner is important and we would like to continue that. What both of these Representatives have spoken of is true and I would also say that reflects the feeling of our committee. Thank you very much.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Expand the Mission of the Public Advocate"

(H.P. 768) (L.D. 1051)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham
PERRY of Calais
BREAULT of Buxton
WOODBURY of Yarmouth
O'NEIL of Saco
GLYNN of South Portland
SNOWE-MELLO of Poland
YOUNG of Limestone
PERRY of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)** on same Bill.

Signed:

Representative:

CANAVAN of Waterville

READ.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 39

YEA - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cresse, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gerzofsky, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Landry, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett,

Mills J, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Blanchette, Bliss, Bunker, Canavan, Clark, Craven, Eder, Laverriere-Boucher, Twomey.

ABSENT - Dugay, Gagne-Friel, Kane, Ketterer, Ledwin, Marley, Marraché, McGlocklin, McKee, Mills S, O'Neil, Rector, Shields, Snowe-Mello.

Yes, 127; No, 10; Absent, 14; Excused, 0.

127 having voted in the affirmative and 10 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election"

(H.P. 225) (L.D. 282)

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
LANDRY of Sanford
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)** on same Bill.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland
JENNINGS of Leeds

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 485) (L.D. 655) Bill "An Act To Revise the Charter of the Brunswick Sewer District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)**

(H.P. 554) (L.D. 748) Resolve, Directing the Department of Labor and the Department of Economic and Community Development To Include Information on the Canadian Maritime Provinces in Their Comparison Reports Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)**

(H.P. 624) (L.D. 847) Bill "An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

(H.P. 675) (L.D. 918) Bill "An Act To Designate the Department of Economic and Community Development as the Lead Agency in the State's Response to Certain Events" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)**

(H.P. 849) (L.D. 1146) Bill "An Act To Allow Volunteer Social Work To Count towards Licensure" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)**

(H.P. 975) (L.D. 1321) Bill "An Act Regarding Energy Efficiency Standards" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 16, 2003, 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 (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-20)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

(S.P. 49) (L.D. 126)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - April 8, 2003 (Till Later Today) by Representative SULLIVAN of Biddeford.

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

Representative AUSTIN of Gray **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is acceptance of the Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 40

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder,

Faircloth, Finch, Fischer, Grose, Hatch, Hutton, Jackson, Jennings, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGowan, McLaughlin, Mills J, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton, Young.

ABSENT - Dugay, Gagne-Friel, Gerzofsky, Goodwin, Kane, Ketterer, Ledwin, Marley, Marraché, McGlocklin, McKee, Mills S, O'Neil, Rector, Shields, Snowe-Mello, Thomas, Mr. Speaker.

Yes, 67; No, 66; Absent, 18; Excused, 0.

67 having voted in the affirmative and 66 voted in the negative, with 18 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-20)** was **READ** by the Clerk.

Representative SULLIVAN of Biddeford **PRESENTED** House **Amendment "B" (H-120)** to **Committee Amendment "A" (S-20)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-20) as Amended by House Amendment "B" (H-120) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, April 29, 2003.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Require Water Tests Prior to the Sale of Homes"

(H.P. 959) (L.D. 1305)

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

SHOREY of Washington

Representatives:

SULLIVAN of Biddeford

O'BRIEN of Lewiston

SMITH of Monmouth

AUSTIN of Gray

BERUBE of Lisbon

RECTOR of Thomaston

ROGERS of Brewer

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

DUPREY of Medway

JACOBSEN of Waterboro
READ.

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

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 Wednesday, April 16, 2003, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine (EMERGENCY)

(S.P. 99) (L.D. 265)
(C. "A" S-21)

TABLED - April 15, 2003 (Till Later Today) by Representative BLISS of South Portland.

PENDING - **PASSAGE TO BE ENACTED.**

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003 (EMERGENCY)

(S.P. 539) (L.D. 1581)

TABLED - April 16, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - Motion of same Representative to **RECONSIDER** whereby the Resolve **FAILED OF FINAL PASSAGE.**

Subsequently, the House **RECONSIDERED** its action whereby the Resolve **FAILED OF FINAL PASSAGE.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to refresh a lot of people's memory about what this does. Current law now, municipalities can have 60 days to consolidate the voting districts. Since we are having a referendum question in June, this reduces the 60 days to 30 days so that municipalities can consolidate the voting district so that they can do this for the June referendum question. It is totally voluntary. Over the course of the break that we have had over the past week, I have received letters from big cities and also from small municipalities saying that they are in favor of this to take affect. When the vote is taken, I wish that you would follow my light. Thank you.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and

9 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Refer to the Committee on Labor** on Bill "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands" (H.P. 227) (L.D. 284)

Signed:

Senator:

BRYANT of Oxford

Representatives:

McKEE of Wayne

PINEAU of Jay

PIOTTI of Unity

SMITH of Monmouth

CARR of Lincoln

CHURCHILL of Orland

FLETCHER of Winslow

EDER of Portland

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

Signed:

Senators:

KNEELAND of Aroostook

YOUNGBLOOD of Penobscot

Representatives:

LUNDEEN of Mars Hill

HONEY of Boothbay

READ.

On motion of Representative SMITH of Van Buren, the Majority **Refer to the Committee on Labor** Report was **ACCEPTED.**

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR** and sent for concurrence.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 16, 2003, 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 (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

(H.P. 823) (L.D. 1120)

TABLED - April 16, 2003 (Till Later Today) by Representative SMITH of Van Buren.

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

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 29, 2003.

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

On motion of Representative PINEAU of Jay, the House adjourned at 10:31 a.m., until 9:00 a.m., Tuesday, April 29, 2003 in honor and lasting tribute to Diane Jacques, of Jay.