

# MAINE STATE LEGISLATURE

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

**Volume II**

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**Second Regular Session**

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**Second Special Session**

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
SECOND SPECIAL SESSION  
19th Legislative Day  
Wednesday, March 17, 2004

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Margaret M. Craven, Lewiston.

National Anthem by The Clam Flat Five, Brunswick.

Pledge of Allegiance.

Doctor of the day, David Preston, M.D., China.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 765)

**JOINT RESOLUTION DECLARING THE ANNIVERSARY OF  
THE BIRTH OF JAMES MADISON TO BE OBSERVED AS  
LIBERTY DAY**

WHEREAS, our rights and liberties are expounded in the cherished documents that our founding fathers created, which are the Declaration of Independence and the United States Constitution with its Bill of Rights; and

WHEREAS, the patriot James Madison, 4th President of the United States, was a contributing author of the Virginia Plan, the model and the basis for the United States Constitution, which emerged from the Constitutional Convention of 1787, establishing a new form of government and replacing the Articles of Confederation; and

WHEREAS, James Madison kept written records of the debates during the Constitutional Convention of 1787, those debates and the compromises created from those debates later becoming an integral part of producing the United States Constitution; and

WHEREAS, James Madison wrote many of the newspaper articles that outlined the reason why the states should endorse a new constitution; and

WHEREAS, these articles, cowritten with Alexander Hamilton and John Jay, became known as the Federalist Papers, and they still endure as some of the best arguments for our form of government; and

WHEREAS, James Madison served in the United States House of Representatives from 1789 until 1797, during which time he introduced into Congress the Bill of Rights, which was ratified by the states in 1791; and

WHEREAS, James Madison served as Secretary of State from 1801 until 1809 and as President of the United States from 1809 until 1817; and

WHEREAS, it is fitting that Tuesday, March 16, 2004, the 253rd anniversary of the birth of James Madison, be observed as Liberty Day throughout the State, a celebration of the Declaration of Independence and the United States Constitution, where our unalienable rights and liberties are proclaimed; now, therefore, be it

**RESOLVED:** That, We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the Second Special Session, on behalf of the people we represent, pause in remembrance of our freedom, our rights and our liberties as citizens of the United States of America; and be it further

**RESOLVED:** That a suitable copy of this resolution, duly authenticated by the Secretary of State, be placed in a public common area for viewing by the citizens of the State.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

**Non-Concurrent Matter**

Bill "An Act To Remove the Designation of the Lake Christopher Wildlife Management Area as a Wildlife Management Area"

(S.P. 685) (L.D. 1842)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-760)** in the House on March 11, 2004.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

On motion of Representative DUNLAP of Old Town, the House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

(H.P. 308) (L.D. 388)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)** in the House on January 27, 2004.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative DUNLAP of Old Town moved that the House **INSIST**.

On further motion of the same Representative, **TABLED** pending his motion to **INSIST** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (H.C. 356)

**STATE OF MAINE**

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

March 11, 2004

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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 939

An Act To Repeal the Fee on Aquacultural

Salmon Production

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

Sincerely,

S/Sen. Dennis Damon

Senate Chair

S/Rep. Thomas Bull

House Chair

**READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (S.P. 766)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

March 15, 2004

Sen. Pamela Henderson Hatch

Senate Chair, Joint Standing Committee on  
Transportation

Rep. Ronald E. Usher

House Chair, Joint Standing Committee on  
Transportation

121st Legislature

Augusta, ME 04333

Dear Senator Hatch and Representative Usher:

Please be advised that Governor John E. Baldacci has nominated the Honorable Gerard P. Conley, Sr. of Portland for appointment as a member of the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. § 1965, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **TRANSPORTATION**.

**READ** and **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Provide for a Limited Transition Provision for Renewal of Certain Social Worker Licenses" (EMERGENCY)

(H.P. 1431) (L.D. 1931)

Sponsored by Representative SULLIVAN of Biddeford. (GOVERNOR'S BILL)

Cosponsored by Representatives: AUSTIN of Gray, BEAUDETTE of Biddeford, SMITH of Monmouth.

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

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

Sent for concurrence.

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

**ORDERS**

On motion of Representative HEIDRICH of Oxford, the following Joint Resolution: (H.P. 1430) (Under suspension of the rules, cosponsored by Representatives: ADAMS of Portland, ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BEAUDETTE of Biddeford, BENNETT of Caribou, BERRY of Belmont, BERUBE of Lisbon, BIERMAN of Sorrento, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BREAUULT of Buxton, BROWN of South Berwick, BROWNE of Vassalboro, BRUNO of Raymond, BRYANT-DESCHENES of Turner, BULL of Freeport, BUNKER of Kossuth Township, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of

Orland, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, Speaker COLWELL of Gardiner, COURTNEY of Sanford, COWGER of Hallowell, CRAVEN of Lewiston, CRESSEY of Baldwin, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUGAY of Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, DUPREY of Medway, EARLE of Damariscotta, EDER of Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, GERZOFKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GREELEY of Levant, GROSE of Woolwich, HATCH of Skowhegan, HONEY of Boothbay, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KANE of Saco, KETTERER of Madison, KOFFMAN of Bar Harbor, LANDRY of Sanford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LERMAN of Augusta, LESSARD of Topsham, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MAIETTA of South Portland, MAILHOT of Lewiston, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, McCORMICK of West Gardiner, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MILLETT of Waterford, MILLS of Farmington, MILLS of Cornville, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MURPHY of Kennebunk, MUSE of Fryeburg, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY-HASKELL of Greenbush, PELLON of Machias, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RINES of Wiscasset, ROGERS of Brewer, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SNOWE-MELLO of Poland, STONE of Berwick, SUKEFORTH of Union, SULLIVAN of Biddeford, SUSLOVIC of Portland, SYKES of Harrison, TARDY of Newport, THOMAS of Orono, THOMPSON of China, TOBIN of Windham, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, TWOMEY of Biddeford, USHER of Westbrook, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, WOTTON of Littleton, YOUNG of Limestone, Senators: BENNETT of Oxford, BLAIS of Kennebec, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, CATHCART of Penobscot, President DAGGETT of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LAFOUNTAIN of York, LEMONT of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, STANLEY of Penobscot, STRIMLING of Cumberland, President Pro Tem TREAT of Kennebec, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION DESIGNATING MARCH AS IRISH HERITAGE MONTH**

WHEREAS, America and the State of Maine since colonial times have welcomed millions of Irish immigrants to our shores, many fleeing religious, social and political discrimination in their homeland or starvation during the Great Hunger of the 1840s; and

WHEREAS, a significant portion of Maine's population proudly claims Irish descent and 44,000,000 Americans nationwide claim Irish descent; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry, and 19 Presidents of the United States proudly claim Irish heritage, included among them the father of our country, George Washington; and

WHEREAS, on March 17, 1776, the day that the British forces evacuated Boston, General George Washington, to honor the large numbers of Irish under his command, used the name "Saint Patrick" as the password for his army; and

WHEREAS, Irish-Americans have from our country's earliest days been well represented in every major industry and occupation and have played an important role in making this country the great nation it is today; and

WHEREAS, Irish-Americans have bravely fought and died with honor to defend our country in every major war and conflict in which the United States has been involved; and

WHEREAS, more Americans claiming Irish ancestry have been awarded the Congressional Medal of Honor than any other nationality. The 2nd-youngest recipient of the Congressional Medal of Honor, at 14 years of age, was John Edward Anglin, who served in the United States Navy during the Civil War and was born in Portland, Maine and raised by Irish immigrant parents; and

WHEREAS, on May 11, 1775, Jeremiah O'Brien of Machias, Maine commanded the first naval victory of the American Revolutionary War; and

WHEREAS, Irish immigrants have always brought and generously shared their wonderful traditions, music and culture and have had a positive influence on American culture; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the Second Special Session, do proclaim that March 2004, and the month of March in every year, be designated as Irish Heritage Month throughout the State of Maine, and urge all schools, libraries and businesses and the media and the citizens of the State to commend and celebrate the integrity and richness of this culture; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Daniel O'Connell O'Donoghue Division of the Ancient Order of Hibernians on behalf of the people of the State of Maine.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. A very happy St. Patrick's Day to you. You all wonder why somebody with a name like Heidrich would stand here and put a Resolution in for St. Patrick's Day. The reason, my father was a very, very wise man. He migrated to this country that was his first big wise move. The second one was he met Mary Katherine Slattery, my mother. For that reason, I claim half Irish. Today, I am all Irish. I want to thank all of you for being here and enjoying this wonderful day with the bagpipes and

the step dancers and the music. It has been a great day for all. There is one thing I would like to read in the Resolution that makes me very proud. It says, "Whereas, Irish Americans have bravely fought and died with honor to defend our country in every major war and conflict that the United States has been involved and whereas, more Americans claiming Irish ancestry have been awarded the Congressional Medal of Honor than any other nationality. The second youngest recipient of the Congressional Medal of Honor at age 14 was John Edward Anglin who served in the United States Navy during the Civil War and was born in Portland, Maine, and raised as Irish immigrants. Have a happy safe St. Patrick's Day.

Representative KANE from Saco sings "Oh, Danny Boy" to the House.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Tom Kane, I really envy you. In kindergarten when I had music and the nuns would line us up and they went through that first week or two. They would then come up to me and say, don't sing. They would catch me singing and they said, don't move your lips. I spent the whole year like that waiting for a backhand if I even moved my lips. What a talent. As we look at this day and as you begin to read more and more about Ireland and you begin to more research, I think those of us on this side of the Atlantic have developed a very romantic image of the life in which our ancestors lived. It was desperation. Not only the famine, but the religious discrimination, the economic discrimination that drove them out of their country. As you begin to travel Ireland and you go into the 17th or 18th Century cottages and for most Irish that was a one-room cottage, maybe 15 by 20 with no chimney. There would be a continual fire going in the house with no way for it to escape. When you read the old accounts of the 1700s or early 1800s in the poorer districts of Ireland, the smoke that came from those fires stayed within the cottage. As you would come into a cottage, there might be two feet from the floor up that was smoke free and the rest looked like Los Angeles on a hot, windy day.

When you look at the early Irish chairs, the homemade chairs, they tend to fall into the category of creepers. They tend to be very low to the ground. They attempted to get you underneath the smoke. Many cottages had a half door, still continue to have a half door. There are almost no windows. When someone came in the house or exited the house that was the only opportunity for the smoke to leave. What began to happen is we tend here in Maine to look to the top of the hill. We want our house on the top of the hill. We want the view. We want the breeze. We want the fresh air. In Ireland that was the prime land. That was the dream land. That is how you paid your rent. That is how you kept your family alive. Most of those cottages tend to be in the low ground. If you have ever been to Ireland and you haven't had wellies on, Wellingtons, and you go walking, you find you are wet to your knees very quickly, even on a rare dry day. All that moisture tended to weep down the hills and the floors were clay and the floors would get wet and there was always moisture in that cottage, even in the better cottages. It stayed there. When you look at Irish furniture they tend to have claws or detachable legs on the bottom. If you didn't do that, the furniture would begin to rot from the floor up because of the humidity and the dampness that was there. Many of our ancestors as we visit their graves in Ireland, it was from the humidity, the smoke, crippled by arthritis, rheumatism.

They lived a life where they were tenants at will if they were Catholic. I have had relatives who have told me that we weren't tenants. They could come by at noon and tell you you were out.

It could be for a variety of reasons. If you whitewashed your cottage or you improved the yield of your crop, then someone might even be a relative or a neighbor would go to the landlord and would outbid you for that land. If you were Protestant, you got yourself a lease and it had conditions and it protected you, but as a Catholic landowner, you were a tenant at will and could be put out for any reason.

In many cases you read the accounts of the English coming through Ireland and talking about the condition of the cottages. Part of that was self imposed, the reality of the economy. I had the opportunity to meet the descendents of a landlord on my side of the family. The Donovan family came in in the early 1700s; Anglo Irish are still there today. He brought out the rent books and went and found my great great great grandfathers and when they came in to pay the rent and talked about the role of the agent and that twice a year, which was called Gale Day, you went in and paid the rent. If you couldn't meet the rent, then you were evicted. Usually you had a pig, but that pig was to pay for the rent. It was a rare day that with the potatoes that you had an opportunity to work in some pork. The pig was always reserved for the Gale Day. Had the opportunity in Ireland where some of those landlords didn't trust their agent, who could be English or could be Irish and they would set up peep holes or peep areas in the library, usually where the tenants came in to pay their rent. They would peep through and listen to the conversation to make sure that the agent was doing the job or looking to see, should I evict this person. You lived basically from six months to six months.

I had an aunt who spent 20 years of her life trying to find the family in Ireland. That was in the 1950s, 1960s. She was unsuccessful despite repeated trips. At that time, the priests kept the records closed. In many cases they wouldn't let you look at the records. The Irish census records are destroyed until 1901. That is the first year that exists. She came back with a great deal of frustration, but the wonder of the Internet is absolutely amazing and the amount of information that is going on line from people researching in America and people researching in Ireland. What you can find in terms of down to the town land. We have zip codes. In Ireland they have what is called town lands, which can range from a half acre in size to 100 or 200 acres, but that is your address. It has been your address since the 1300s. Here in Maine we tend to put in granite, surveyor's pipe and lots of time people will mess with that. The Irish were pretty smart back in the 1300s or 1400s because when they laid out the farmlands, they dug a four to six foot deep ditch to show what the boundary was. You couldn't move the ditch. It was real clear where that is. As you walk through Ireland, you will hit these small ditches that are partially filled and those are still the boundaries today.

To give you an example of how quickly things can happen, if you are willing to research your roots, that is not just Irish, but English, German, Scandinavian or whatever your heritage is on how lightning fast things can occur, I have discovered that part of my heritage is Canadian, Nova Scotia and Prince Edward Island. Irish who left prior to the famine came to those two island and then from there came to Maine, Calais, Machias, Portland and Biddeford. I have also discovered that as I researched them, I had been searching for a great, great, great grandfather for four years and could not find him. I found him in Halifax, Nova Scotia, as a witness of two weddings of Howley and he was a Howley. I had the good luck that it said Moncoin Kilkenney, County Kilkenney. Whenever we go to Ireland, I bring phone books back. If you are doing any kind of research, you bring the current phone book back and you all the surnames and it tells you the town land. Once you know a county or a town land, you spend

the 80 cents per letter and you send a blanket letter and sometimes you have a catch.

Last Tuesday I send four letters to Howley in Moncoin Kilkenney. I got a phone call Monday evening from Moncoin Kilkenney. It was a cousin. He said on Saturday he had dispatched a cousin to Dublin to go through the National Library records. He went and got another cousin who pulled together all the church records in Moncoin and says we have your great, great, great grandfather. We have his parents and his great parents. We are transcribing that to you. He said that he has been out in the cemeteries and I have shot all the stones. I am going to send you the pictures. My son is off to college with the digital camera or else you would have it tonight. I have to develop it and send it.

In a 10 day period, from the letter leaving the Augusta Post Office, the cousins are writing back and saying we found him and we will have your whole family history for you free. He says that he rents cottages. I have an old cottage that has been modernized. He knew we were coming to Ireland for September and October, he says, you have it for free. Pick your month and tell me early so I don't rent it. You can have it for free. Irish hospitality, the Internet and the research have come together and they are absolute wonders.

I have to tell two stories. One would be a nameless Republican who loves golf over on our side of the aisle who had the opportunity, think about all the Irish descendents who would like to have a week in Ireland to go back and pursue and experience that who went to Ireland for a week and went to play golf. Asked him where he played. I guess it was nine or 10 different courses. I don't know. Where did you stay? I don't know, but they were great golf courses. I just keep asking about each and every one.

The other one is about Tom Kane. I don't know if you have ever seen Tom Kane with his tweed hat, but Tom goes over and spends a lot of time in Ireland. I think it is kind of corks. I have heard from another member of this chamber related to you that when you go over for an extended period of time when all the Yanks are lost on the roads and they can't find their way, Tom is usually right out there on the corner and he will go along and give directions. Can you think of the hundreds of people that have come back to America and have talked about how friendly and open and helpful the Irish are. In reality, it was our Tom Kane pointing them down the right road. Thank you very much.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I feel obligated to stand. I knew it was St. Patrick's Day. The phone rang twice. Once it was a good friend who called to wish me a happy St. Patrick's Day and said, I just brushed off your car. Not to be one that doesn't like to embarrass people, thank you, Representative Collins, for brushing off my car. I always like to one up them.

The other one is to my husband who is not here, but you do all know that he does exist. He called me early this morning and I feel obligated to go on record and say, Happy St. Patrick's Day to him. Since I have been here, I have had to break up what will be a 25 year tradition, 26 actually, because on St. Patrick's Day we always go out for green beer. Since I have been here, I have either been traveling home or haven't been home at all that day. I told him to go out tonight and with whom he could go, of course, and that I won't be there again. I want to publicly thank him for giving me up for six years. Happy St. Patrick's Day to my husband.

Subsequently, was **ADOPTED**.

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Otisfield Community School for raising the educational standards of its children by means of assisted therapy. Principal Linda Park, a certified handler of the assisted therapy dog Rudy, has implemented a very successful program called the Reading Education Assistance Dog Program "R.E.A.D." This program has significantly raised the reading levels and confidence of the students. We extend our appreciation to Ms. Park and commend her for her continued enthusiasm in educating the youth of the State;

(HLS 1318)

Presented by Representative HEIDRICH of Oxford. Cosponsored by Senator BENNETT of Oxford, Representative SYKES of Harrison, Representative GAGNE-FRIEL of Buckfield, Representative MILLETT of Waterford, Senator BRYANT of Oxford, Senator STANLEY of Penobscot, Representative JOY of Crystal, Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Senator SHOREY of Washington, Representative GOODWIN of Pembroke, Representative BUNKER of Kossuth Township, Senator HATCH of Somerset, Representative McGLOCKLIN of Embden.

On **OBJECTION** of Representative HEIDRICH of Oxford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Oxford, Representative Heidrich.

**Representative HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I am very proud today to stand here and recognize someone from my community. Otisfield is a beautiful little town settled in the mountains in western Maine. In that town we have recognized people for the Seeds of Peace, but today it is with special privilege that I recognize the Otisfield Community School and the principal of the school, Linda Park and also, I don't know if it has been done here before, but Rudy the reading dog. Rudy is an Irish setter so it is very appropriate that he is here today. Rudy is a therapy dog that had worked in hospitals. Now, he has been brought to the community school in Otisfield where he has helped children learning how to read. The way it is done is this, Rudy sits on a little red blanket, kindergarten, first grade and second grade children, come in and sit beside Rudy and read to him. They have increased their learning abilities. It has just been unbelievable. One handicapped child who needed support in that school now walks alone with Rudy. He is an absolutely marvelous dog. You will all meet him in just a minute. What else can I say about him? I am just going to let you meet Rudy.

Subsequently, was **PASSED** and sent for concurrence.

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**Recognizing:**

Vicki Dill, of West Gardiner, for her assistance in organizing a farewell ceremony for the members of the Gardiner unit of the 133rd Engineering Battalion of the Maine National Guard. The Maine National Guard is currently experiencing its largest deployment since World War II, and Maine has the 3rd highest rate of deployment in the nation. As members of the 133rd Engineering Battalion prepared to head to the Middle East, members of the Gardiner community raised the spirits of all who gathered to say goodbye to the men and women who were

answering the call to duty. The rally stations that were organized along the convoy route as the vehicles headed out of Maine left these guard members with a great sense of pride, letting them know that their neighbors stand firmly with them as they go overseas to defend our freedoms. We extend our appreciation to Vicki for making a very difficult day for our friends and neighbors a little bit easier;

(HLS 1324)

Presented by Speaker COLWELL of Gardiner. Cosponsored by President Pro Tem TREAT of Kennebec, Representative COWGER of Hallowell, Representative McCORMICK of West Gardiner, President DAGGETT of Kennebec, Representative BROWNE of Vassalboro, Representative O'BRIEN of Augusta, Representative LERMAN of Augusta.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

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**Recognizing:**

Chip Clary, of West Gardiner, for his assistance in organizing a farewell ceremony for the members of the Gardiner unit of the 133rd Engineering Battalion of the Maine National Guard. The Maine National Guard is currently experiencing its largest deployment since World War II, and Maine has the 3rd highest rate of deployment in the nation. As members of the 133rd Engineering Battalion prepared to head to the Middle East, members of the Gardiner community raised the spirits of all who gathered to say goodbye to the men and women who were answering the call to duty. The rally stations that were organized along the convoy route as the vehicles headed out of Maine left these guard members with a great sense of pride, letting them know that their neighbors stand firmly with them as they go overseas to defend our freedoms. We extend our appreciation to Chip for making a very difficult day for our friends and neighbors a little bit easier;

(HLS 1325)

Presented by Speaker COLWELL of Gardiner. Cosponsored by President Pro Tem TREAT of Kennebec, Representative COWGER of Hallowell, Representative McCORMICK of West Gardiner, President DAGGETT of Kennebec, Representative BROWNE of Vassalboro, Representative O'BRIEN of Augusta, Representative LERMAN of Augusta.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

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**Recognizing:**

Mark Luken, of West Gardiner, for his assistance in organizing a farewell ceremony for the members of the Gardiner unit of the 133rd Engineering Battalion of the Maine National Guard. The Maine National Guard is currently experiencing its largest deployment since World War II, and Maine has the 3rd highest rate of deployment in the nation. As members of the 133rd Engineering Battalion prepared to head to the Middle East, members of the Gardiner community raised the spirits of all who gathered to say goodbye to the men and women who were answering the call to duty. The rally stations that were organized along the convoy route as the vehicles headed out of Maine left these guard members with a great sense of pride, letting them know that their neighbors stand firmly with them as they go overseas to defend our freedoms. We extend our appreciation to

Mark for making a very difficult day for our friends and neighbors a little bit easier;

(HLS 1326)

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by President Pro Tem TREAT of Kennebec, Representative COWGER of Hallowell, Representative McCORMICK of West Gardiner, President DAGGETT of Kennebec, Representative BROWNE of Vassalboro, Representative O'BRIEN of Augusta, Representative LERMAN of Augusta.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

**Recognizing:**

Steve Hanley, of Gardiner, for his assistance in organizing a farewell ceremony for the members of the Gardiner unit of the 133rd Engineering Battalion of the Maine National Guard. The Maine National Guard is currently experiencing its largest deployment since World War II, and Maine has the 3rd highest rate of deployment in the nation. As members of the 133rd Engineering Battalion prepared to head to the Middle East, members of the Gardiner community raised the spirits of all who gathered to say goodbye to the men and women who were answering the call to duty. The rally stations that were organized along the convoy route as the vehicles headed out of Maine left these guard members with a great sense of pride, letting them know that their neighbors stand firmly with them as they go overseas to defend our freedoms. We extend our appreciation to Steve for making a very difficult day for our friends and neighbors a little bit easier;

(HLS 1327)

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by President Pro Tem TREAT of Kennebec, Representative COWGER of Hallowell, Representative McCORMICK of West Gardiner, President DAGGETT of Kennebec, Representative BROWNE of Vassalboro, Representative O'BRIEN of Augusta, Representative LERMAN of Augusta.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair is honored to have with us in the gallery today Vicki Dill, Chip Clary and Mark Luken. Steve Hanley is not with us today, but the chair really wants to introduce these people. They organized a tremendous farewell ceremony for the 133rd Engineering Battalion of the Maine National Guard when they were sent off to active duty. The 133rd, as you know, is headquartered in my hometown of Gardiner, Maine. These folks are here with us today. They did a tremendous community service. It was a very tough day for the guardsmen and their families, but the fact that we had such overwhelming community support made it a much easier and must brighter day.

Subsequently, was **PASSED** and sent for concurrence.

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

Representative DUNLAP of Old Town assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statutes and Resolve**

Representative SULLIVAN for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1432) (L.D. 1933)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and Resolve 2003, chapter 101, section 1.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

The Bill was assigned for **SECOND READING** Thursday, March 18, 2004.

**Refer to the Committee on Taxation Pursuant to Public Law and Resolve**

Report of the **Joint Standing Committee on Taxation** on Bill "An Act To Improve the Viability of Railroads Operating in Maine"

(S.P. 757) (L.D. 1918)

Reporting that it be **REFERRED** to the Committee on **TAXATION** pursuant to Public Law 2003, chapter 498, section 11 and Resolve 2003, chapter 101, section 3.

Came from the Senate with the Report **READ** and the Bill **PASSED TO BE ENGROSSED WITHOUT REFERENCE** to any Committee.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **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. 1384) (L.D. 1859) Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 1393) (L.D. 1869) Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1403) (L.D. 1896) Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

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



**CONSENT CALENDAR  
Second Day**

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

(S.P. 657) (L.D. 1724) Bill "An Act To Create the Maine Military Family Relief Fund" (C. "A" S-422)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

**BILLS IN THE SECOND READING  
Senate as Amended in Non-Concurrence**

Bill "An Act To Simplify the Maine Turnpike Authority's Enforcement Procedures for Toll Violations"

(S.P. 637) (L.D. 1705)  
(H. "A" H-763 to C. "A" S-412)

**House**

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act"

(H.P. 1426) (L.D. 1926)

**House as Amended**

Bill "An Act To Control Adult Entertainment Establishments"

(H.P. 1323) (L.D. 1801)  
(C. "A" H-733)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in non-concurrence and sent for 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.**

**ENACTORS  
Emergency Measure**

An Act Concerning the Charter of the Dover and Foxcroft Water District

(H.P. 1248) (L.D. 1672)  
(C. "A" H-734)

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. 125 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.

**Emergency Measure**

An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program

(S.P. 634) (L.D. 1702)  
(H. "A" H-741 to C. "A" S-403)

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. 114 voted in favor of the same and

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

**Emergency Measure**

An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions

(H.P. 1324) (L.D. 1802)  
(C. "A" H-683)

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

Representative DUDLEY of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 329**

**YEA** - Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Campbell, Carr, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Dunlap, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Marley, Marraché, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Pellon, Perry A, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

**NAY** - Adams, Bliss, Brown R, Canavan, Churchill E, Churchill J, Clark, Dudley, Duprey G, Eder, Gagne-Friel, Gerzofsky, Ketterer, Lundeen, Mailhot, McGlocklin, McKee, Moody, Patrick, Percy, Pingree, Sampson, Suslovic, Thomas, Twomey, Walcott.

**ABSENT** - Bierman, Bryant-Deschenes, Craven, Cummings, Duplessie, Goodwin, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Paradis, Peavey-Haskell, Perry J, Pineau, Rines, Simpson, Sukeforth, Usher.

Yes, 104; No, 26; Absent, 21; Excused, 0.

104 having voted in the affirmative and 26 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority

(H.P. 1376) (L.D. 1850)

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. 122 voted in favor of the same and

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

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

**Acts**

An Act To Honor Maine's First Peoples  
(H.P. 1254) (L.D. 1732)  
(H. "A" H-744 to C. "A" H-717)

An Act To Amend the Membership of the Children's Cabinet  
(H.P. 1352) (L.D. 1829)

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, To Promote Recruitment and Retention of Direct-care Workers in Long-term Care in Maine

(S.P. 362) (L.D. 1090)  
(H. "A" H-743 to C. "A" S-402)

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 Increase the Bond Limit of the Maine Turnpike Authority

(S.P. 214) (L.D. 605)  
(C. "A" S-411)

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

On motion of Representative SNOWE-MELLO of Poland, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 330**

YEA - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowger, Craven, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jennings, Jodrey, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Young.

NAY - Andrews, Bierman, Clough, Courtney, Cressey, Crosthwaite, Glynn, Jacobsen, Joy, Lewin, Mills J, Snowe-Mello, Stone, Tardy, Vaughan.

ABSENT - Bryant-Deschenes, Cummings, Duplessie, Goodwin, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Peavey-Haskell, Perry J, Rines, Simpson, Smith W, Sukeforth, Usher, Mr. Speaker.

Yes, 117; No, 15; Absent, 19; Excused, 0.

117 having voted in the affirmative and 15 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses

(H.P. 486) (L.D. 656)  
(C. "A" H-636)

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

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act Concerning Advertising of Business Names in Telephone Directories

(S.P. 643) (L.D. 1711)  
(H. "B" H-737 to C. "A" S-398)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Provide Equity in Veterans' Property Tax Exemptions

(H.P. 1268) (L.D. 1746)  
(C. "A" H-725; H. "A" H-742)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 331**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Marley, Marraché,

McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant-Deschenes, Bunker, Cummings, Goodwin, Grose, Kaelin, Koffman, Maietta, Makas, McGowan, Moore, Norbert, Peavey-Haskell, Rines, Simpson, Sukeforth, Usher.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Provide for the Safe Disposal of Household Hazardous Waste

(H.P. 1328) (L.D. 1806)  
(C. "A" H-732)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 332**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant-Deschenes, Bunker, Gerzofsky, Goodwin, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Peavey-Haskell, Rines, Simpson, Sukeforth, Usher.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration

(H.P. 1358) (L.D. 1833)  
(C. "A" H-731)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 333**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant-Deschenes, Faircloth, Goodwin, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Peavey-Haskell, Rines, Simpson, Sukeforth, Usher.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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 yesterday, 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 - Report "A" (6) Ought to Pass as Amended by Committee Amendment "A" (S-413) - Report "B" (6) Ought Not to Pass - Committee on LABOR on Bill "An Act To Clarify the Prevailing Wage Law"**

(S.P. 655) (L.D. 1722)

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

**TABLED - March 16, 2004 (Till Later Today)** by Representative SMITH of Van Buren.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before us right now would do a lot of bad things for our highway construction, school construction, any projects that would involve federal or state funds. What the bill will do is change the prevailing wage law, which we currently have in the state, so that the prevailing wage would be the higher of either the state prevailing wage or the federal prevailing wage on any federal project. If the federal wage is higher, we would be using that wage. If the state wage is higher, we would be using the state wage. At the current time the state's prevailing wage is generally higher than the federal prevailing wage. This was caused by the gas pipeline that was constructed through Washington and Penobscot County came on down through Portland. Those wages on that budget were very high and they inflated the state's prevailing wage. As an example of what I am talking about, let me pull the highest wage that I can off a list that was given us by the Department of Transportation. An electrician working in Hancock County would be making more than five times the state minimum wage and about double the prevailing wage. That electrician would be earning \$33.28 an hour on a federally funded project or a state funded project for that matter. The federal prevailing wage is \$15 an hour. The result of this bill would be that there would be 441 fewer construction jobs because of the \$10.5 million of this bill. It would cost, according to the calculations of DOT, about 441 construction jobs in the State of Maine next year. I don't think that we want to eliminate jobs in the state. I continually hear people talk about good paying jobs and we are trying to improve our economy and push the work force. This is not the way to do it, ladies and gentlemen. I urge you to oppose the pending motion.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ACCEPT Report "A" Ought to Pass as Amended.**

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 Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. There is a handout coming around today. It backs up what the Representative from Carmel was telling you. Let me put it to you in another way. This would result in about \$10 million in reduced highway projects for the state. Some of those highway projects are going to be in your district. This is a fiscal impact to the Highway Fund of \$10.5 million.

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

**ROLL CALL NO. 334**

YEA - Adams, Canavan, Clark, Craven, Dudley, Dunlap, Duprey G, Eder, Gagne-Friel, Gerzofsky, Goodwin, Hutton, Jackson, Jennings, Ketterer, McGlocklin, McKee, Norton, Patrick, Percy, Pineau, Pingree, Suslovic, Twomey, Walcott, Watson.

NAY - Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dugay, Duplessie, Duprey B, Earle, Faircloth,

Finch, Fischer, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kane, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Marley, Marraché, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Perry A, Perry J, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rosen, Sampson, Saviello, Sherman, Shields, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wheeler, Woodbury, Wotton, Young.

**ABSENT** - Breault, Bryant-Deschenes, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Peavey-Haskell, Rines, Rogers, Simpson, Smith N, Sukeforth, Usher, Mr. Speaker.

Yes, 26; No, 108; Absent, 17; Excused, 0.

26 having voted in the affirmative and 108 voted in the negative, with 17 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED.**

Subsequently, Report "B" **Ought Not to Pass** was **ACCEPTED** in 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:

**SENATE PAPERS**

Bill "An Act To Make Mother's Day a Free Day for Fishing" (EMERGENCY)

(S.P. 768) (L.D. 1932)

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

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-759) - Minority (4) Ought Not to Pass - Committee on NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Growth Management" (H.P. 1244) (L.D. 1668)

**TABLED - March 11, 2004 (Till Later Today)** by Representative **DUPLESSIE** of Westbrook.

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

Subsequently, the House **RECONSIDERED** its action whereby the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report **FAILED.**

The Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-759)** was **READ** by the Clerk.

Representative KOFFMAN of Bar Harbor **PRESENTED House Amendment "A" (H-766) to Committee Amendment "A" (H-759)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. A chagrined Representative from Bar Harbor would like to explain the amendment. It simply eliminates a line that reads as follows: "And is implementing a capital investment plan according to schedule." That was a line that some of my colleagues took some offense with and had some concerns with. I hope that by removing that line the bill, as modest as it is, will be more satisfactory.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the efforts of my good friend from Bar Harbor, Representative Koffman, the modifications he is suggesting to this bill is something we haven't discussed. I am trying to digest it now. I don't think it changes the fundamental issue with the bill. For the interest of moving forward, let's go ahead and attach it and then at the next point in the process I will speak about the entire package. Thank you.

**House Amendment "A" (H-766) to Committee Amendment "A" (H-759) was ADOPTED.**

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. My objections to this bill are really unchanged from what they were the other day when we voted decisively. The matter before us is that the state is frustrated with communities and their conduct in preparing comprehensive plans. This frustration is because the state feels it should be done one way and the community is somehow just don't always think that Augusta knows how to run their town. The result is the state is looking for ways to get towns to see things as Augusta sees them. This particular bill is saying that you will go through these hoops in order to be placed at the front of the line to receiving grants.

I see two types of problems with this program, this idea. First, in order to qualify you have to be a wealthy town. You then need to prepare a comprehensive plan and have everything done to include a capital investment program and everything done to meet that objective. Frankly, there are just very few towns in the state that have those resources. The second issue is that the other way to pass this test is to set a comprehensive plan that doesn't actually do anything. If you set essentially no objective whatsoever and you need it, you get to the front of the line. Who is harmed by that? The people who are harmed by that are those of us in the middle who work with our own communities trying to put forward comprehensive plans that are meaningful, that are stretch goals. They are what we wish we could be and when we see the towns on one side that have all the money and getting the grants and we see all the towns on the other side that have no ambitions whatsoever getting the grants, we are going to say, what's wrong with me? The first cycle that my town loses, I know what the objective will be. We are not going to raise taxes and have the resources of a wealthy community, because that just can't happen. What we will do is we will revise our objective to be nothing. That is the ultimate tragedy that I think will occur by Augusta trying to say from above that this is how your community should be run. The ultimate affect will be that in order to meet the needs of the master, we will say that we will go nowhere. That is where I think none of us want to be. For that reason, I

ask you to reject the pending motion as we did the day before. Mr. Speaker, I request the yeas and nays.

Representative **DAIGLE** of Arundel **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-759) as Amended by House Amendment "A" (H-766)** thereto.

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 Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Following our lengthy debate last Thursday, I did some research on state grants and programs, technical assistance programs, to determine, A, how many there are and which communities would be affected by the bill we are considering? As it turns out, there are probably about 69 communities, the 69 largest communities. All the other communities that get grants, I would imagine there must be 40 or so different programs on the roster that I have on my desk, all communities are eligible to apply for them. There are about 10 that this bill would apply to. It would be, again, for those larger towns that already have a comp plan and already have ordinances, although they may not be consistent. They are for things like the Urban and Community Forestry Program, the Downtown Revitalization Program, the Housing Assistance Grants for communities that have extensive public housing, Public Infrastructure Grants for sewer for communities that have sewers, the Combined Sewer Overflow Program, an anti-pollution bill, another sewer extension bill, a source water protection bill, a public transit program. As you can see, these are not programs that apply to most communities in the state. This is to try and create an incentive for those 69 communities that do have plans and do have comprehensive plans and ordinances to be consistent in those as they apply for these limited number of grants. This is not exclusionary whatsoever. I would never bring a bill to the floor that would create winners and losers among all our community, particularly the rural and urban divide. This is about those who are already settled and already have the infrastructure and I think support wise state investment in state funds to those communities, which is extensive. Many of our bonds are supporting these communities. I think it is very important that their ordinances and plans be consistent as part of protecting the state tax dollar investment. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-759) as Amended by House Amendment "A" (H-766). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 335**

**YEA** - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Shields, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Walcott, Watson, Wheeler, Woodbury.

**NAY** - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Dugay, Duprey B, Finch, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey,

Joy, Landry, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Murphy, Muse, Nutting, Peavey-Haskell, Richardson E, Richardson M, Rosen, Saviello, Sherman, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Wotton, Young.

ABSENT - Bryant-Deschenes, Goodwin, Grose, Kaelin, Maietta, Makas, McGowan, Moore, Norbert, Rogers, Sukeforth, Usher, Mr. Speaker.

Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly **Committee Amendment "A" (H-759) as Amended by House Amendment "A" (H-766)** thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-759) as Amended by House Amendment "A" (H-766)** thereto and sent for concurrence.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker Pro Tem.

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

**SENATE PAPERS**

Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

(S.P. 769) (L.D. 1934)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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On motion of Representative **MILLS** of Farmington, the House adjourned at 12:37 p.m., until 9:00 a.m., Thursday, March 18, 2004.