

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 27, 2003 – June 14, 2003

**First Special Session**

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**Second Regular Session**

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**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
SECOND SPECIAL SESSION  
30th Legislative Day  
Friday, April 2, 2004

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

Prayer by Pastor Richard Dubuc, Mount View Bible Church, New Vineyard.

National Anthem by Birdie Newman Katz, Augusta.

Pledge of Allegiance.

Doctor of the day, Joel Kase, D.O., Lewiston.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 797)

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill regarding the Maine learning technology plan.

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

**READ.**

On motion of Representative CUMMINGS of Portland, **TABLED** pending **PASSAGE** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act To Authorize the Deorganization of the Town of Atkinson"

(H.P. 1247) (L.D. 1671)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE GROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768)** in the House on March 22, 2004.

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

On motion of Representative McLAUGHLIN of Cape Elizabeth, the House voted to **RECEDE AND CONCUR**.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 550)

**MAINE SENATE  
121ST LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 1, 2004

Honorable Patrick Colwell

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Health and Human Services, the nomination of John R. Nicholas

of Winthrop, for appointment as the Commissioner of the Department of Human Services.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Roger Katz, of Augusta, recipient of the Outstanding Citizen of the Year award given by Le Club Calumet. Mr. Katz is a tireless community leader who has been active in numerous boards and committees in Augusta. He helped re-write the city's charter, worked on Augusta's Bicentennial Committee and recently played a pivotal role in raising more than \$1.5 million in private donations that will be used to upgrade the new Cony High School. He has also helped the YMCA, the United Way of Kennebec Valley and the Augusta Development Commission over the years. Mr. Katz also received the 2003 Business Person of the Year award from the Kennebec Valley Chamber of Commerce. We send our congratulations to Mr. Katz on his receiving this prestigious award and extend our appreciation to him for his continued dedication to helping the citizens of the Capital Area;

(HLS 1422)

Presented by Representative LERMAN of Augusta.

Cosponsored by Representative O'BRIEN of Augusta, Representative BROWNE of Vassalboro, President DAGGETT of Kennebec, Representative PERCY of Phippsburg.

On **OBJECTION** of Representative LERMAN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. It is an honor for me to be able to bring this sentiment to the Chamber. Roger Katz has made innumerable contributions to the City of Augusta and to the surrounding area. He has made outstanding contributions, both in his participation within city government as well as enormous contributions to a variety of non-profit and other civic organizations within the area. This is one of a number of acknowledgements that he has already received and I have no doubt that Roger will continue through his efforts to continue to get awards for his extreme generosity. I know Roger is not here with us today, but I know his wife, Birdie is, obviously. I would like to acknowledge her and him and thank you very much for me being able to bring this to the House. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. What a great choice that the Calumet Club made. I am honored to be able to speak on behalf of the citizens of Augusta to thank Roger Katz and Roger Katz's family. I have known Roger for many, many years. I think my first memory of Roger, he is several years older than me, I must add, playing Cony basketball. Many of you may know him as a star on the Cony basketball dynasty. The Representative from Augusta, Representative Lerman, mentioned many of his great contributions to this community. They certainly are innumerable. Whenever anything needs to be done, people say, let's call Roger.

I also want to acknowledge Roger's family. Without the support of a family, he would not be able to do these things. Many of you know his father, the former Senator from Kennebec, Senator Bennett Katz and his wife Edith. They probably instilled in Roger and his sister the great qualities that he does possess. Thanks and honor goes to them. Also, to his really cool wife Birdie and their children Sherry and Jonathan and their pets. I want to thank the family very much and thank Roger for all they have done for this community. I am honored to consider him a friend. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Mr. Speaker, Ladies and Gentlemen of the House. Another attribute that I would love to share with you about Roger Katz and Birdie and Bennett and Edith is the fact that they are so encouraging to young people, middle age people and to old people about getting involved in their communities. Twenty years ago Bennett Katz tried to convince me that I would be a great lobbyist. At that point I said, oh no, I just want to be a singer. Here it is 20 years later and I am actually an elected official and it is because Roger and Bennett and Birdie and Edith all said you can do this. I would love you to know how supportive they are of all people of all ages in terms of community service. This is a great honor and thank you for letting me speak.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education"

(S.P. 707) (L.D. 1861)

Signed:

Senators:

DOUGLASS of Androscoggin

MITCHELL of Penobscot

BRENNAN of Cumberland

Representatives:

CUMMINGS of Portland

GAGNE-FRIEL of Buckfield

FINCH of Fairfield

LEDWIN of Holden

ANDREWS of York

FISCHER of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-477)** on same Bill.

Signed:

Representatives:

DAVIS of Falmouth

NORTON of Bangor

MURPHY of Kennebunk

THOMAS of Orono

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

**READ.**

On motion of Representative CUMMINGS of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Requirements for Status as Publisher of Legal Notices"

(S.P. 721) (L.D. 1873)

Signed:

Senators:

ROTUNDO of Androscoggin

LAFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

PEAVEY-HASKELL of Greenbush

CROSTHWAITE of Ellsworth

STONE of Berwick

BOWEN of Rockport

SUSLOVIC of Portland

BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-459)** on same Bill.

Signed:

Representatives:

KETTERER of Madison

BARSTOW of Gorham

SUKEFORTH of Union

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

**READ.**

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-481)** on Bill "An Act To Modify Taxation of Benefits under Employee Retirement Plans, Including Retirement Plans for Teachers"

(S.P. 764) (L.D. 1927)

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

NASS of York

Representatives:

LEMOINE of Old Orchard Beach

LERMAN of Augusta

COURTNEY of Sanford

CLOUGH of Scarborough

PERRY of Bangor

SIMPSON of Auburn

McCORMICK of West Gardiner

TARDY of Newport

SUSLOVIC of Portland

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

Signed:

Representative:

McGOWAN of Pittsfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-481).**

**READ.**

On motion of Representative LEMOINE of Old Orchard Beach, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-481)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, April 5, 2004.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-842)** on Bill "An Act To Ensure the Accurate Counting of Votes"

(H.P. 1281) (L.D. 1759)

Signed:

Senators:

LEMONT of York  
MAYO of Sagadahoc  
GAGNON of Kennebec

Representatives:

CLARK of Millinocket  
GLYNN of South Portland  
HOTHAM of Dixfield  
BROWN of South Berwick  
MOORE of Standish  
PATRICK of Rumford  
BLANCHETTE of Bangor  
CANAVAN of Waterville  
JENNINGS of Leeds

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

Signed:

Representative:

LANDRY of Sanford

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-842)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, April 5, 2004.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-844)** on Bill "An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine"

(H.P. 1383) (L.D. 1857)

Signed:

Senators:

DAMON of Hancock  
PENDLETON of Cumberland  
BENNETT of Oxford

Representatives:

BULL of Freeport  
ASH of Belfast  
PERCY of Phippsburg  
MUSE of Fryeburg  
McNEIL of Rockland  
BIERMAN of Sorrento  
RECTOR of Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-845)** on same Bill.

Signed:

Representatives:

SULLIVAN of Biddeford  
DUGAY of Cherryfield

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-844)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "A" (H-847)** to **Committee Amendment "A" (H-844)** which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-844)** as **Amended by House Amendment "A" (H-847)** thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** Monday, April 5, 2004.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 626) (L.D. 1694) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-419)**

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

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 758) (L.D. 1922) Bill "An Act To Preserve Transportation Projects Statewide by Using Federal GARVEE Financing for the Waldo-Hancock Bridge Replacement" (C. "A" S-478)

(H.P. 1360) (L.D. 1836) Bill "An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System" (C. "A" H-839)

(H.P. 1382) (L.D. 1856) Bill "An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY) (C. "A" H-833)

(H.P. 1398) (L.D. 1882) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2004-05" (EMERGENCY) (C. "A" H-837)

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 and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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(S.P. 632) (L.D. 1700) Bill "An Act To Amend the Motor Vehicle Laws" (C. "A" S-473)

On motion of Representative RICHARDSON of Brunswick, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

Bill "An Act To Prevent the Sale of Water Laced with Nicotine in Maine"

(S.P. 587) (L.D. 1631)  
(C. "A" S-436)

Bill "An Act To Amend the Penalty Provisions and Reporting Deadlines of the Campaign Reports and Finances Laws"

(S.P. 661) (L.D. 1728)  
(C. "A" S-470)

**House as Amended**

Bill "An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program"

(H.P. 1326) (L.D. 1804)  
(H. "A" H-846 to C. "A" H-823)

Bill "An Act To Require Surety Bonding by Payroll Processing Companies" (EMERGENCY)

(H.P. 1369) (L.D. 1843)  
(C. "A" H-838)

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1392) (L.D. 1868)  
(C. "A" H-835)

Bill "An Act To Amend the Protection from Harassment Laws" (EMERGENCY)

(H.P. 1410) (L.D. 1906)  
(C. "A" H-840)

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

Bill "An Act To Regulate the Breeding and Sale of Small Mammals"

(H.P. 1453) (L.D. 1952)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative McKEE of Wayne, was **SET ASIDE**.

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

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

**ENACTORS**  
**Emergency Measure**

An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws

(H.P. 1265) (L.D. 1743)  
(S. "A" S-464 to C. "A" H-781)

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

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-834)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does in addition to assisting the original bill, is it is making a technical correction to the Maine Fish and Wildlife laws is that we discovered through a complaint by a citizen of this state, accessing their commercial license records within the Department of Inland Fisheries and Wildlife, that under an exception in Maine law, their social security number was part of the official public record of their license. What this amendment does is it says expressly that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are, in fact, not public records and must be kept in confidentiality. That is the substance of the amendment and I urge the adoption of the amendment. Thank you Mr. Speaker.

**House Amendment "A" (H-834) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-781) as Amended by Senate Amendment "A" (S-464) thereto and House Amendment "A" (H-834) in NON-CONCURRENCE** and sent for concurrence.

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

**Emergency Measure**

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth

(S.P. 709) (L.D. 1863)  
(C. "A" S-449)

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

Representative GLYNN of South 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: 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. 389**

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

McCormick, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Cowger.

ABSENT - Bliss, Churchill J, Dugay, Goodwin, Ketterer, Landry, Marraché, McGlocklin, McNeil, Murphy, Muse, Pellon, Rector, Richardson M, Saviello, Smith W, Sullivan, Tardy, Usher, Watson.

Yes, 130; No, 1; Absent, 20; Excused, 0.

130 having voted in the affirmative and 1 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services

(H.P. 1353) (L.D. 1830)  
(C. "A" H-798)

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

Representative McKENNEY of Cumberland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. 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. 390

YEA - Adams, Annis, Barstow, Beaudette, Blanchette, Bowen, Brannigan, Breault, Brown R, Bull, Campbell, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hotham, Hutton, Jackson, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Lewin, Mailhot, Makas, Marley, McCormick, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Sampson, Shields, Simpson, Smith N, Sukeforth, Suslovic, Thompson, Trahan, Twomey, Walcott, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Ash, Austin, Bennett, Berry, Berube, Bierman, Bowles, Browne W, Bruno, Bryant-Deschenes, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dunlap, Greeley, Hatch, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lundeen, Maietta, McGowan, McKenney, Millett, Moore, Nutting, O'Brien J, Peavey-Haskell, Perry J, Richardson E, Rines, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sykes, Thomas, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Bliss, Bunker, Churchill J, Dugay, Goodwin, Ketterer, Landry, Marraché, McGlocklin, McNeil, Murphy, Muse,

Pellon, Rector, Richardson M, Saviello, Smith W, Sullivan, Tardy, Usher, Watson.

Yes, 75; No, 55; Absent, 21; Excused, 0.

75 having voted in the affirmative and 55 voted in the negative, with 21 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### Emergency Measure

Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1375) (L.D. 1849)  
(C. "A" H-805)

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

Representative COLLINS of Wells **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I wish to remind the body that this refers to major substantive rules. Failure to pass a bill means the rules will take affect automatically as proposed by the department without legislative changes. I encourage you to support passage of this bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. 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. 391

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

NAY - NONE.

ABSENT - Bliss, Churchill J, Duprey B, Goodwin, Landry, Marraché, McGlocklin, McNeil, Murphy, Muse, Norton, Pellon, Rector, Richardson M, Saviello, Smith W, Sullivan, Tardy, Usher, Watson.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Resolve was

**FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

(H.P. 1388) (L.D. 1865)  
(C. "A" H-797)

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. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development

(H.P. 1415) (L.D. 1914)  
(C. "A" H-785)

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

Representative CRESSEY of Baldwin **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. 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. 392**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, 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, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeon, Maietta, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Treadwell, Twomey, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bliss, Churchill J, Goodwin, Landry, Marraché, McGlocklin, McNeil, Murphy, Muse, Pellon, Rector, Richardson M, Saviello, Smith W, Sullivan, Tardy, Trahan, Usher, Watson.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**Resolve Pursuant to the Constitution  
Public Land**

Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve

(S.P. 652) (L.D. 1719)  
(C. "A" S-455)

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

Representative **SHERMAN**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In reading the Senate Amendment, there appears to be no value placed on this land. I would like an explanation. Are we giving away land or is this simply a transfer of land? This is a valuable asset to the state. Does anybody have that answer?

The **SPEAKER**: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question, this parcel of land was given to the Department of Inland Fisheries and Wildlife by a family for wildlife conservation purposes. It has never been managed. It essentially has become a bit of an overgrown dump in many ways. There is a land trust on Peaks Island. The people that donated the land to the department are still active in the community. They have been working with the land trust and it is their wish that this land be transferred to the land trust, therefore, there is no monetary transaction. This land does have value on it, but it is not in the best interest of the state or the individuals involved to transfer money in this case. It is simply to adhere to the wishes of the original donors. Thank you.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 11 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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(H.P. 1411) (L.D. 1907)  
(C. "A" H-796)

**Acts**

- An Act To Enact the Uniform Trust Code  
(H.P. 678) (L.D. 921)  
(C. "A" H-795)
- An Act To Include Disability Retirement Income in Retirement  
Income Eligible for Tax Exemption  
(H.P. 1246) (L.D. 1670)  
(C. "A" H-787)
- An Act To Provide Property Tax Relief for Veterans Who  
Reside in Cooperative Housing  
(H.P. 1250) (L.D. 1674)  
(C. "A" H-786)
- An Act Relating to the Establishment of a Central Maine  
Regional Public Safety Communication Center  
(S.P. 615) (L.D. 1683)  
(C. "A" S-454)
- An Act To Amend the Laws Regarding Invasive Aquatic  
Species  
(S.P. 656) (L.D. 1723)  
(C. "A" S-450)
- An Act To Change the Point System for Clearing Vegetation  
Adjacent to Protected Natural Resources  
(S.P. 705) (L.D. 1858)  
(C. "A" S-448)
- An Act To Prohibit the Sale of Gasoline Containing MTBE  
(H.P. 1390) (L.D. 1870)  
(C. "A" H-793)
- An Act To Extend the Deadline for Reconsideration by Boards  
of Appeals  
(S.P. 720) (L.D. 1872)  
(C. "A" S-444)

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

**Resolves**

- Resolve, Regarding Participation in the Federal No Child Left  
Behind Act of 2001  
(S.P. 648) (L.D. 1716)  
(C. "A" S-443)
- Resolve, To Create an Associate Degree Program in  
Radiology Technology  
(S.P. 708) (L.D. 1862)  
(C. "A" S-445)

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

- An Act To Establish the Maine Jobs, Trade and Democracy  
Act  
(H.P. 1337) (L.D. 1815)  
(C. "A" H-783; H. "A" H-801)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

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

- An Act To Govern and Regulate Life Settlements

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

On motion of Representative O'NEIL of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-849)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. This was a late technical amendment that came from the regulator. We noticed a semantic difference that needed to be noted. That is what we did. Thank you.

**House Amendment "A" (H-849)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-796)** and **House Amendment "A" (H-849)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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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.

Bill "An Act To Promote the Financial Security of Maine's Families and Children"

(H.P. 1152) (L.D. 1579)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774) AS AMENDED BY HOUSE AMENDMENT "A" (H-782)** thereto on March 23, 2004.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774) AS AMENDED BY SENATE AMENDMENT "B" (S-476)** thereto in **NON-CONCURRENCE**.

**TABLED** - April 1, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING** - Motion of Representative NORBERT of Portland to **RECEDE** and **CONCUR**. (Roll Call Ordered)

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 393**

**YEA** - Adams, Ash, Beaudette, Blanchette, Bliss, Brannigan, Brown R, Bull, Canavan, Cowger, Craven, Cummings, Dudley, Duplessie, Duprey G, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Kaelin, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McLaughlin, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J,

Rines, Sampson, Simpson, Smith N, Suslovic, Thomas, Thompson, Twomey, Walcott, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cresse, Crosthwaite, Curley, Daigle, Davis, Duprey B, Finch, Fletcher, Glynn, Greeley, Heidrich, Hotham, Jacobsen, Jennings, Jodrey, Joy, Ledwin, Lewin, Lundeen, Maietta, McKenney, Millett, Mills J, Mills S, Moore, Richardson E, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Trahan, Treadwell, Vaughan, Wotton.

ABSENT - Barstow, Breault, Bunker, Churchill J, Dugay, Dunlap, Earle, Goodwin, Honey, Landry, Marraché, McGlocklin, McNeil, Murphy, Muse, Nutting, Peavey-Haskell, Pellon, Rector, Richardson M, Saviello, Smith W, Sullivan, Tardy, Tobin J, Usher, Watson, Young.

Yes, 65; No, 58; Absent, 28; Excused, 0.

65 having voted in the affirmative and 58 voted in the negative, with 28 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Regulate the Breeding and Sale of Small Mammals"

(H.P. 1453) (L.D. 1952)

Which was **TABLED** by Representative McKEE of Wayne pending **PASSAGE TO BE ENGROSSED**.

Representative McKEE of Wayne **PRESENTED House Amendment "A" (H-851)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. After we drafted the bill and voted on it, we realized that we needed to clarify that research facilities such as Jackson Lab or pet shops or shelters, these facilities already have rules covered under Chapter 723 and 735 and that they are not required to be affected by the rulemaking that will come back to us next year. Thank you.

**House Amendment "A" (H-851)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED House Amendment "A" (H-851)** 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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On motion of Representative SAMPSON of Auburn, the House adjourned at 12:29 p.m., until 9:00 a.m., Monday, April 5, 2004.