

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 1, 2004 - March 30, 2005

First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ERRATA:

**The header on all pages
of this file should read**

“January 6, 2005”

instead of

“January 16, 2005”.

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Thursday, January 6, 2005

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

Prayer by Chaplain E. Scott Dow, Riverview Psychiatric Center, Augusta.

National Anthem by the Honorable Leila J. Percy of Phippsburg and the Honorable Sonya G. Sampson of Auburn.

Pledge of Allegiance.

The Journal of Tuesday, January 4, 2005 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 27)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 4, 2005

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 401.1, I assign Representative Boyd P. Marley of Portland to seat 139, Representative Walter E. Ash, Jr. of Belfast to seat 144 and Representative Lawrence E. Jacobsen of Waterboro to seat 39.

Sincerely,

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 9)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 22, 2004

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research, and Economic Development
Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research, and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Dale McCormick of Augusta for appointment as the Director of the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, this nomination will require review by the Joint Standing Committee on Business, Research, and Economic Development.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 10)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 22, 2004

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research, and Economic Development
Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research, and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Elisabeth Biemann of New York for appointment as the Director of the Maine Technology Institute.

Pursuant to Title 5 M.R.S.A. §15310, this nomination will require review by the Joint Standing Committee on Business, Research, and Economic Development.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Apply a System of Spending Limitations to State, County and Municipal Governments and School Administrative Units"

(H.P. 33) (L.D. 30)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Senator DAVIS of Piscataquis.

Bill "An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities"

(H.P. 29) (L.D. 26)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by Representatives: BLISS of South Portland, FLETCHER of Winslow, Senators: COWGER of Kennebec, WESTON of Waldo.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative DUDLEY of Portland, **TABLED** pending **REFERENCE** and later today assigned.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Provide for the Efficient Administration of Family Development Accounts"

(H.P. 27) (L.D. 24)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Senator HOBBS of York and Representatives: BRYANT of Windham, CLOUGH of Scarborough, DUPLESSIE of Westbrook, KAELIN of Winterport, NASS of Acton, Senators: BROMLEY of Cumberland, NASS of York.

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Provide Justice to Those Found Not Guilty Due to Mental Disease or Defect and Decrease Costs to the State"

(H.P. 32) (L.D. 29)

Sponsored by Representative FAIRCLOTH of Bangor.

HEALTH AND HUMAN SERVICES

Bill "An Act To Clarify Eligibility for the Temporary Assistance for Needy Families Program"

(H.P. 17) (L.D. 14)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Inform Patrons of Food Service Establishments about the Use of Latex Gloves in Food Preparation"

(H.P. 18) (L.D. 15)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Amend the Certificate of Need Process"

(H.P. 19) (L.D. 16)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Senator ROSEN of Hancock and Representatives: CLOUGH of Scarborough, DUGAY of Cherryfield, LEWIN of Eliot, NUTTING of Oakland, PINGREE of North Haven, SHERMAN of Hodgdon, TARDY of Newport, Senator: DAVIS of Piscataquis.

Bill "An Act To Enhance Community Involvement Regarding Methadone Clinics"

(H.P. 24) (L.D. 21)

Sponsored by Representative MAZUREK of Rockland.

Cosponsored by Representatives: BOWEN of Rockport, HOGAN of Old Orchard Beach, MERRILL of Appleton, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Warren, VALENTINO of Saco, Senator: SAVAGE of Knox.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Amend the Law Governing Hunting and Fishing Licenses for Maine National Guard Members"

(H.P. 23) (L.D. 20)

Sponsored by Representative BRYANT-DESCHENES of Turner.

Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Issue a Policy Clarifying Public Access Requirements for Ponds To Qualify for Fish Stocking Programs

(H.P. 25) (L.D. 22)

Sponsored by Representative BRYANT-DESCHENES of Turner.
Cosponsored by Representative: TRAHAN of Waldoboro.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Require That Licensed Pastoral Counselors Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement"

(H.P. 30) (L.D. 27)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Require That Mental Health Workers with Family Therapist Licenses Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement"

(H.P. 31) (L.D. 28)

Sponsored by Representative GLYNN of South Portland.

Cosponsored by Representative DUDLEY of Portland.

Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"

(H.P. 20) (L.D. 17)

Sponsored by Representative RECTOR of Thomaston.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BOWEN of Rockport, MAZUREK of Rockland, MERRILL of Appleton, PINGREE of North Haven, RICHARDSON of Warren, TRAHAN of Waldoboro, Senators: DOW of Lincoln, SAVAGE of Knox.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

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

JUDICIARY

Bill "An Act To Educate Women on the Medical Risks Associated with Abortion"

(H.P. 28) (L.D. 25)

Sponsored by Representative DUPREY of Hampden.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CRESSEY of Cornish, HALL of Holden, HAMPER of Oxford, JOY of Crystal, SHERMAN of Hodgdon, THOMAS of Ripley.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Establish Charity Appreciation Week"

(H.P. 26) (L.D. 23)

Sponsored by Representative FISCHER of Presque Isle. (BY REQUEST)

TAXATION

Bill "An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners"

(H.P. 22) (L.D. 19)

Sponsored by Representative MAZUREK of Rockland.

TRANSPORTATION

Bill "An Act To Require the Department of Transportation To Maintain the Morneault Road in Grand Isle"

(H.P. 21) (L.D. 18)

Sponsored by Representative SMITH of Van Buren.

Cosponsored by Senator MARTIN of Aroostook and Representative: PARADIS of Frenchville.

Pursuant to Public Law

Health Care System and Health Security Board

Representative PERRY for the **Health Care System and Health Security Board** pursuant to Public Law 2001, chapter 439, Pt. ZZZ, as amended by Public Law 2003, chapter 492 asks leave to report that the accompanying Resolve, To Reestablish the Health Care System and Health Security Board (EMERGENCY)

(H.P. 35) (L.D. 32)

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

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

Sent for concurrence.

Pursuant to Statute

Maine Fire Protection Services Commission

Representative BLANCHETTE for the **Maine Fire Protection Services Commission** pursuant to the Maine Revised Statutes, Title 5, section 3371 asks leave to report that the accompanying Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

(H.P. 15) (L.D. 10)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute
Department of Education

Representative NORTON for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

(H.P. 13) (L.D. 8)

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

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

Sent for concurrence.

Pursuant to Statute
Department of Education

Representative NORTON for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 16) (L.D. 11)

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

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

Sent for concurrence.

Pursuant to Statute
Department of Health and Human Services, Office of Substance Abuse

Representative PINGREE for the **Department of Health and Human Services, Office of Substance Abuse** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY)

(H.P. 14) (L.D. 9)

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

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

Sent for concurrence.

Pursuant to Statute
Governor's Office of Health Policy and Finance

Representative PERRY for the **Governor's Office of Health Policy and Finance** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance (EMERGENCY)

(H.P. 36) (L.D. 33)

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

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

Sent for concurrence.

**Pursuant to Statute
Department of Labor**

Representative SMITH for the **Department of Labor** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

(H.P. 12) (L.D. 7)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Maine State Retirement System**

Representative SMITH for the **Maine State Retirement System** pursuant to the Maine Revised Statutes, Title 5, section 17103, subsection 13 asks leave to report that the accompanying Bill "An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006" (EMERGENCY)

(H.P. 34) (L.D. 31)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 12)

ORDERED, that Representative H. Sawin Millett, Jr. of Waterford

be excused Tuesday, January 4th for health reasons.

READ and **PASSED**.

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

SENATE PAPERS

The following Joint Order: (S.P. 13)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 11, 2005, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Institute Loser-pay Litigation in the State of Maine"

(S.P. 14) (L.D. 34)

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

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

Bill "An Act To Support Maine Sawmills and Lumberyards"

(S.P. 12) (L.D. 13)

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

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

At this point, pursuant to my authority under House Rule 401.1, the Chair assigned Representative PERCY of Phippsburg to Seat 118 and Representative BEAUDETTE of Biddeford to Seat 72

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

On motion of Representative PERRY of Calais, the House adjourned at 10:39 a.m., until 10:00 a.m., Tuesday, January 11, 2005 pursuant to the Joint Order (S.P. 13) and in honor and lasting tribute to our fallen comrades in Iraq.