

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

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
6th Legislative Day
Tuesday, January 18, 2005

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

Prayer by Reverend Desmond Parker, Interim Minister, Damariscotta United Methodist Church.

National Anthem by Matthew Small, Orono.

Pledge of Allegiance.

Speaker **RICHARDSON**: I want to take a brief moment to ask the members of the Joint Property Tax Reform Committee to stand, please.

I want other members today to know that these men and women overcame parochial interests. They set their sights on perfection but settled for what was possible. They've worked hard with the spotlight on them with little appreciation or thanks outside this building.

Their acknowledgement comes largely in the form of noisy criticism and the response of some pundits and editorial page writers and special interest lobbyists that things could be different or better.

And in short they gave up their holidays, working nonstop in a room on the first floor of the State House through the time of year when most of us are traveling or visiting our families and going to parties. They worked countless hours for far, far less than minimum wage, and, I will add, to get in return minimum appreciation, lots of complaints, and lots of opinions that it could be, should be better, bolder, more. But all of them are here today, standing in tribute to what is and can be the best of what we can put forward as a Legislature.

I'd like you to join me in thanking them for all their very, very hard work.

And if Representative Clough is at home listening I ask and hope and pray that you'll have a speedy recovery.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dudley who wishes to address the House on the record.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I just want to add to your very gracious remarks that what you said could be equally applied to all the members of Legislative Leadership, Republican and Democrat, including yourself, Mr. Speaker. Thank you all very much.

The Journal of Thursday, January 13, 2005 was read and approved.

SENATE PAPERS

Bill "An Act To Make a Record of Dog Licenses Available On-line"

(S.P. 45) (L.D. 139)

Bill "An Act To Improve Access to Public Lands"

(S.P. 49) (L.D. 143)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Fractionation Development Center"

(S.P. 55) (L.D. 149)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Restrict Undocumented Mortgage Agreements"

(S.P. 65) (L.D. 159)

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

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

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

(S.P. 38) (L.D. 96)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Protect Supplemental Security Income Benefits"

(S.P. 48) (L.D. 142)

Bill "An Act To Require Certain Physicians To Provide Information about Thimerosal in Vaccines"

(S.P. 54) (L.D. 148)

Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

(S.P. 57) (L.D. 151)

Bill "An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol"

(S.P. 66) (L.D. 160)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Prohibit a Landowner from Charging a Fee for Bear Baiting"

(S.P. 43) (L.D. 137)

Bill "An Act To Redefine the Boundaries of the Fairfield Sanctuary"

(S.P. 50) (L.D. 144)

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.

Bill "An Act To Allow an Appeal for Cancellation of Commercial Insurance"

(S.P. 42) (L.D. 136)

Bill "An Act To Assist Dental Hygienists"

(S.P. 67) (L.D. 161)

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act Concerning the Disclosure of Juror Information"

(S.P. 63) (L.D. 157)

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

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

Bill "An Act Concerning Appeal Rights under the Maine Enterprise Option Program"

(S.P. 51) (L.D. 145)

Bill "An Act To Adjust the Wage Base for the Unemployment Compensation System"

(S.P. 62) (L.D. 156)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes

(S.P. 53) (L.D. 147)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act To Ensure Proper Disposal of Debris and Protection of the Environment"

(S.P. 47) (L.D. 141)

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

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act To Change the Name of T8 SD to Fletchers Landing Township"

(S.P. 46) (L.D. 140)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Create a Senior Tax Rebate Program for Established Residents"

(S.P. 41) (L.D. 135)

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

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

Resolve, To Provide Efficient Highway Access to Central Maine Medical Services

(S.P. 44) (L.D. 138)

Bill "An Act To Change the Oversight of the Maine Pilotage Commission"

(S.P. 58) (L.D. 152)

Resolve, To Direct the Department of Transportation To Build a Truck Escape Ramp on Route 16

(S.P. 61) (L.D. 155)

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

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

Doctor of the day, Kenneth Christian, M.D., Holden.

COMMUNICATIONS

The Following Communication: (H.C. 29)

**OFFICE OF THE CHIEF AND COUNCIL
PENOBSCOT NATION
12 WABANAKI WAY
COMMUNITY BUILDING
INDIAN ISLAND, MAINE 04468**

January 10, 2005

Honorable John Baldacci

Governor

State of Maine

Honorable Matthew Dunlap

Secretary of State

State of Maine

Honorable John Richardson

Speaker of the House

Maine State Legislature

Honorable Millicent M. MacFarland

Clerk of the House

Maine House of Representatives

State House

Augusta, Maine 04333

Re: Penobscot Nation Representative to Legislature

Dear Governor, Secretary, Speaker and Clerk:

Since colonial times Penobscot Nation have had a Representative to the Massachusetts's General Court and commencing in the 1820's in the Maine House of Representatives. In order to maintain that long governmental relationship, Penobscot Nation requires your assistance.

This is to notify you of the medical condition of our Penobscot Nation Representative Michael Sockalexix who had an accident while at the State House. He has taken the Oath of Office here as well as at the Legislature. Michael is currently hospitalized and is unable to be physically present or capable of fully carrying-out his responsibilities at this time.

I, therefore, as Chief am appointing Ms. Donna Loring as an Interim Representative of the Penobscot Nation to the Maine State Legislature.

This appointment will remain until such time as Representative Sockalexix will assume his responsibilities. The Penobscot Nation Chief and Council having received reports on Mr. Sockalexix's condition, base our decision on his medical condition and decided to place Ms. Loring in this temporary capacity.

The Penobscot Nation will notify all parties should there be any changes to this interim appointment and our representative's health and capability.

We must further request that during this period that the Penobscot Nation Interim Representative be provided with the necessary support to carry-out the responsibilities of the Office and be treated with the respect of this Office as she has received over the past eight years.

Our decision is based on the need for Penobscot Nation to be aware of legislation that may potentially affect our future and our State-Tribal relations.

We thank you for your past cooperation and support and look forward to seeing you as the legislature continues through the tedious review process and legislative session.

May GheChe'Nawais be with all of us, always.

S/James G. Sappier

Chief

S/Linda Socoby

Tribal Clerk

**PENOBSCOT NATION
OFFICE OF THE TRIBAL CLERK
LINDA SOCOBY
COMMUNITY BUILDING
12 WABANAKI WAY
INDIAN ISLAND
OLD TOWN, MAINE 04468**

**CERTIFICATION OF RESOLUTION NUMBER 01-05-05-03
OF THE GOVERNING BODY, OF THE PENOBSCOT NATION**

I, the undersigned Tribal Clerk of the Penobscot Indian Nation do hereby certify that a Monthly Council Meeting of the Chief and Tribal Council was held on the 05th day of January, 2005 at which time and acting throughout, James Sappier, Chief of the said Nation;

Upon motion duly made, seconded and carried, the Tribal Council voted to approve the temporary appointment of Donna Loring as Tribal Representative.

I further certify that I am the official custodian of certain records including the Minutes of the Meetings of the Council of the Penobscot Indian Nation, a federally recognized and sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that at the meeting there was present and acting throughout, a quorum authorized to transact business herein after described, and that the proceedings of said meeting were in accordance with the laws of said Nation, and that said resolutions have not been amended or revoked and are in full force and effect.

In Witness Whereof, I have set my hand as Tribal Clerk and have affixed the Tribal Seal on this day of January 10, 2005

S/Linda Socoby

Tribal Clerk

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative PELLETIER-SIMPSON of Auburn, the following House Order: (H.O. 15)

WHEREAS, Penobscot Nation Representative Michael Sockalexis is currently hospitalized and is unable to be physically present or capable of fully carrying-out his responsibilities at this time; and

WHEREAS, on January 5, 2005, the Penobscot Indian Nation Tribal Council met and, upon a motion made by Chief James Sappier, members of the council voted to approve the interim appointment of Donna M. Loring as Tribal Representative; and

WHEREAS, the Maine House of Representatives is in receipt of certified resolution number 01-05-05-03 with the tribal seal affixed and dated January 10, 2005, and signed by the Clerk; and

WHEREAS, Michael Sockalexis is the duly seated member of the Penobscot Nation and the seating of Donna M. Loring is temporary; now, therefore, be it

ORDERED, that Donna M. Loring be seated on an interim basis as Representative of the Penobscot Nation in the 122nd Maine House of Representatives with the rights and privileges granted by the House Rules; and be it further

ORDERED, that during Donna M. Loring's interim seating in the 122nd Maine House of Representatives, she shall be entitled to allowance for meals, housing and travel expenses, and Michael Sockalexis shall continue to be entitled to the remaining compensation and benefits under Title 3, Section 2, 8th Paragraph and Title 5, section 285, subsection 1 (A), and Title 3, Section 701, subsection 11; and be it further

ORDERED, that Donna M. Loring's interim seating in the 122nd Maine House of Representatives shall continue until the Penobscot Nation provides certification to the 122nd Maine House of Representatives that Michael Sockalexis is ready to resume his duties as Representative of the Penobscot Nation.

READ and PASSED.

The Following Communication: (H.C. 30)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO STUDY PUBLIC HEALTH**

January 12, 2005

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable John Richardson, Speaker
Maine House of Representatives
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2003, chapter 95, the Commission to Study Public Health is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator John L. Martin, Senate Chair

S/Representative Margaret M. Craven, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

At this point, the Speaker announced the presence in the Hall of the House of Representative-Elect LORING of the Penobscot Nation. The Speaker appointed the following Representatives to escort Representative-Elect LORING to the Office of the Governor to take and subscribe the oath necessary to qualify her for the discharge of her official duties:

Representative PELLETIER-SIMPSON of Auburn
Representative FAIRCLOTH of Bangor
Representative GERZOFKY of Brunswick
Representative CANAVAN of Waterville
Representative BRYANT of Windham
Representative DUNN of Bangor

Representative SHERMAN of Hodgdon
Representative CARR of Lincoln
Representative BRYANT-DESCHENES of Turner
Representative NASS of Acton

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Make Revisions to the Laws Governing Agriculture"

(H.P. 167) (L.D. 216)

Sponsored by Representative PIOTTI of Unity.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARR of Lincoln, FLOOD of Winthrop, JENNINGS of Leeds, JODREY of Bethel, LUNDEEN of Mars Hill, TWOMEY of Biddeford, Senator: RAYE of Washington.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor"

(H.P. 187) (L.D. 248)

Sponsored by Representative FINCH of Fairfield.
Cosponsored by Senator GAGNON of Kennebec and Representatives: CANAVAN of Waterville, DAVIS of Falmouth, FLETCHER of Winslow, MARRACHÉ of Waterville, RICHARDSON of Skowhegan, STEDMAN of Hartland, THOMPSON of China, Senator: MILLS of Somerset.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Lower the Surety Bond Requirement for Payroll Processors" (EMERGENCY)

(H.P. 159) (L.D. 208)

Sponsored by Representative O'BRIEN of Lewiston. (BY REQUEST)
Cosponsored by Representatives: DUPLESSIE of Westbrook, MARRACHÉ of Waterville, NORTON of Bangor, PATRICK of Rumford, PERRY of Calais, SMITH of Van Buren, Senators: PLOWMAN of Penobscot, STRIMLING of Cumberland.

Bill "An Act To Require Water Tests prior to the Sale of Homes"

(H.P. 198) (L.D. 259)

Sponsored by Representative MOORE of Standish.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: AUSTIN of Gray, HOTHAM of Dixfield.

Bill "An Act To Amend the Laws Governing Mechanics Liens"

(H.P. 199) (L.D. 260)

Sponsored by Representative BERUBE of Lisbon.
Cosponsored by Representatives: BRYANT-DESCHENES of Turner, GLYNN of South Portland, SHERMAN of Hodgdon, SHIELDS of Auburn, Senator: HOBBS of York.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, **TABLED** pending **REFERENCE** and later today assigned.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Change the Definition of Promoting Prostitution in the Criminal Laws"

(H.P. 163) (L.D. 212)

Sponsored by Representative SMITH of Monmouth.
Cosponsored by Representatives: CANAVAN of Waterville, CARR of Lincoln, GERZOFKY of Brunswick, GROSE of Woolwich, SYKES of Harrison, Senators: BRENNAN of Cumberland, MITCHELL of Kennebec.

Bill "An Act To Amend the Laws Governing Custodian Release Conditions"

(H.P. 190) (L.D. 251)

Sponsored by Representative SHERMAN of Hodgdon.
Cosponsored by Representatives: BERUBE of Lisbon, COLLINS of Wells.

Bill "An Act To Protect Unborn Children from Acts of Violence"

(H.P. 201) (L.D. 262)

Sponsored by Representative DUPREY of Hampden.
Cosponsored by Senator DAVIS of Piscataquis, Senator MARTIN of Aroostook and Representatives: CARR of Lincoln, CEBRA of Naples, CRESSEY of Cornish, HALL of Holden, HAMPER of Oxford, PARADIS of Frenchville, Senators: COURTNEY of York, SNOWE-MELLO of Androscoggin.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

On motion of Representative BLANCHETTE of Bangor, **TABLED** pending **REFERENCE** and later today assigned.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Limit Terms for Members of the State Board of Education"

(H.P. 186) (L.D. 247)

Sponsored by Representative FINCH of Fairfield.
Cosponsored by Senator TURNER of Cumberland and Representatives: CAIN of Orono, CUMMINGS of Portland, DAVIS of Falmouth, GOLDMAN of Cape Elizabeth, MAKAS of Lewiston, MERRILL of Appleton, STEDMAN of Hartland, Senator: MITCHELL of Kennebec.

HEALTH AND HUMAN SERVICES

Bill "An Act To Allow Patients To Keep Medications upon Discharge from a Nursing Facility or Hospital"

(H.P. 161) (L.D. 210)

Sponsored by Representative MARRACHÉ of Waterville.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: DUCHESNE of Hudson, FISCHER of Presque Isle, LERMAN of Augusta, MOODY of Manchester, PERRY of Calais, SAVIELLO of Wilton, TUTTLE of Sanford.

Bill "An Act To Require the Disclosure by Hospitals and Ambulatory Surgical Centers of Charges to Certain Payors"
(H.P. 162) (L.D. 211)

Sponsored by Representative SMITH of Van Buren.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BLANCHETTE of Bangor, JACKSON of Fort Kent, MARRACHÉ of Waterville, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, TWOMEY of Biddeford.

Resolve, To Create a Hospital Program for Young Women with Eating Disorders

(H.P. 178) (L.D. 239)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BOWLES of Sanford, BURNS of Berwick, CUMMINGS of Portland, DUPLESSIE of Westbrook, PINGREE of North Haven, Speaker RICHARDSON of Brunswick, Senators: DIAMOND of Cumberland, MARTIN of Aroostook.

Bill "An Act To Remove Certain Orthodontic Procedures from MaineCare Coverage"

(H.P. 185) (L.D. 246)

Sponsored by Representative GREELEY of Levant. (BY REQUEST)

INLAND FISHERIES AND WILDLIFE

Resolve, Directing the Department of Inland Fisheries and Wildlife To Review and Simplify Rules Governing Brook Trout Fishing (EMERGENCY)

(H.P. 168) (L.D. 217)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator BRYANT of Oxford and Representatives: MOODY of Manchester, TRAHAN of Waldoboro, WHEELER of Kittery.

Bill "An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment"

(H.P. 170) (L.D. 231)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Representative: WATSON of Bath.

Bill "An Act To Change the Definition of 'Snowmobile'"

(H.P. 172) (L.D. 233)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Representatives: McKANE of Newcastle, WATSON of Bath.

Bill "An Act To Employ an Additional Game Warden for the Sebago Lake Region"

(H.P. 192) (L.D. 253)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator HASTINGS of Oxford and Representatives: AUSTIN of Gray, CEBRA of Naples, HAMPER of Oxford, MOORE of Standish, PLUMMER of Windham, ROBINSON of Raymond, SHERMAN of Hodgdon, SYKES of Harrison.

Subsequently, Representative PELLETIER-SIMPSON reported that the necessary oath had been taken by Representative LORING to qualify her to enter upon her official duties.

Pursuant to his authority under House Rule 201.1(I), the Chair temporarily assigned Representative LORING of the Penobscot Nation to seat 7.

Pursuant to his authority under House Rule 201.1(I), the Chair temporarily appointed Representative LORING of Penobscot Nation to the Joint Standing Committee on JUDICIARY

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:

INSURANCE AND FINANCIAL SERVICES

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

(H.P. 176) (L.D. 237)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: FISCHER of Presque Isle, MARRACHÉ of Waterville.

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

(H.P. 177) (L.D. 238)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representative: MARRACHÉ of Waterville.

JUDICIARY

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

(H.P. 189) (L.D. 250)

Sponsored by Representative SHERMAN of Hodgdon.

Cosponsored by Representatives: AUSTIN of Gray, CARR of Lincoln, COLLINS of Wells, CRESSEY of Cornish, DUPREY of Hampden, McKENNEY of Cumberland, RECTOR of Thomaston, ROBINSON of Raymond.

Bill "An Act To Ensure Compliance with Court-ordered Child Support"

(H.P. 195) (L.D. 256)

Sponsored by Representative MOODY of Manchester.

Bill "An Act To Amend the Maine Juvenile Code"

(H.P. 181) (L.D. 242)

Sponsored by Representative SYKES of Harrison.

Committee on JUDICIARY suggested.

On motion of Representative PELLETIER-SIMPSON of Auburn, the Bill was REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY, ordered printed and sent for concurrence.

LABOR

Bill "An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations"

(H.P. 160) (L.D. 209)

Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: CLARK of Millinocket, HUTTON of Bowdoinham, SMITH of Van Buren, TUTTLE of Sanford, Senator: SNOWE-MELLO of Androscoggin.

Bill "An Act To Recognize the Federal Salary Level for Overtime When Higher than the State Level"

(H.P. 165) (L.D. 214)

Sponsored by Representative PINEAU of Jay.
Cosponsored by Senator BRYANT of Oxford and Representatives: DUPLESSIE of Westbrook, GERZOFKY of Brunswick, HUTTON of Bowdoinham, JACKSON of Fort Kent, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, Senators: MARTIN of Aroostook, MAYO of Sagadahoc.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Clarify National Labor Relations Board Certification under the Overtime Provisions"

(H.P. 166) (L.D. 215)

Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator PERRY of Penobscot and Representatives: HUTTON of Bowdoinham, MAZUREK of Rockland, PINEAU of Jay, RINES of Wiscasset, WATSON of Bath, Senator: BRYANT of Oxford.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Increase the Minimum Wage"

(H.P. 174) (L.D. 235)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Representative GLYNN of South Portland, Senator BRYANT of Oxford and Representatives: CLARK of Millinocket, DRISCOLL of Westbrook, GERZOFKY of Brunswick, HUTTON of Bowdoinham, JACKSON of Fort Kent, PATRICK of Rumford, SMITH of Van Buren, Senator: STRIMLING of Cumberland.

Bill "An Act To Require Advance Notice for Decreases in Wage or Salary Levels"

(H.P. 196) (L.D. 257)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: CROSBY of Topsham, HUTTON of Bowdoinham, JACKSON of Fort Kent, McCORMICK of West Gardiner, TRAHAN of Waldoboro, TWOMEY of Biddeford, Senators: COWGER of Kennebec, PERRY of Penobscot.
Submitted by the Department of Labor pursuant to Joint Rule 204.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Establish a Transparent Pricing Formula for Distilled Spirits"

(H.P. 173) (L.D. 234)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Change the Minimum Requirement for a Political Party To Be Recognized"

(H.P. 193) (L.D. 254)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator PLOWMAN of Penobscot and Representatives: EDER of Portland, GLYNN of South Portland, JACKSON of Fort Kent, JACOBSEN of Waterboro, McLEOD of Lee, PARADIS of Frenchville.

NATURAL RESOURCES

Bill "An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance"

(H.P. 200) (L.D. 261)

Sponsored by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator PERRY of Penobscot.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Update Certain Provisions Pertaining to County Government"

(H.P. 179) (L.D. 240)

Sponsored by Representative PLUMMER of Windham.
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BARSTOW of Gorham, CROSBY of Topsham, CURLEY of Scarborough, McKANE of Newcastle, MILLETT of Waterford, TRAHAN of Waldoboro, Senators: DAMON of Hancock, SNOWE-MELLO of Androscoggin.

Bill "An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability"

(H.P. 184) (L.D. 245)

Sponsored by Representative CROSTHWAITE of Ellsworth.
Cosponsored by Senator NASS of York and Representatives: BARSTOW of Gorham, EDGECOMB of Caribou, JOY of Crystal, LINDELL of Frankfort, ROSEN of Bucksport, SAVIELLO of Wilton, TRAHAN of Waldoboro.

Bill "An Act To Amend the Calculation for Annual County Tax Assessments"

(H.P. 188) (L.D. 249)

Sponsored by Representative BARSTOW of Gorham.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: FARRINGTON of Gorham, NORTON of Bangor, Senator: HOBBS of York.

TAXATION

Bill "An Act To Change Nonresident Income Tax Filing Requirements"

(H.P. 175) (L.D. 236)

Sponsored by Representative McCORMICK of West Gardiner.
Cosponsored by Senator COURTNEY of York and Representative: EDGECOMB of Caribou.

Bill "An Act To Ensure That the Exemption for Pensions Is Applied Fairly"

(H.P. 180) (L.D. 241)

Sponsored by Representative DAVIS of Falmouth.
Cosponsored by Representatives: EDGECOMB of Caribou, FINCH of Fairfield.

Bill "An Act To Repeal Gasoline Tax Indexing"

(H.P. 197) (L.D. 258)

Sponsored by Representative McKENNEY of Cumberland.

Cosponsored by Representative McKANE of Newcastle and Representatives: CLOUGH of Scarborough, COLLINS of Wells, MOORE of Standish, THOMAS of Ripley, TWOMEY of Biddeford, Senators: ANDREWS of York, COURTNEY of York, SNOWE-MELLO of Androscoggin.

Committee on **TAXATION** suggested.

On motion of Representative WOODBURY of Yarmouth, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

TRANSPORTATION

Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield

(H.P. 164) (L.D. 213)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CLARK of Millinocket, THOMAS of Ripley, Senators: ROSEN of Hancock, SCHNEIDER of Penobscot.

Bill "An Act To Enhance Highway Safety"

(H.P. 171) (L.D. 232)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator DOW of Lincoln and Representatives: BRYANT-DESCHENES of Turner, CROSTHWAITE of Ellsworth, McKANE of Newcastle, McLEOD of Lee, RECTOR of Thomaston, TARDY of Newport.

Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights"

(H.P. 182) (L.D. 243)

Sponsored by Representative DAVIS of Falmouth.

Cosponsored by Representative: EDGECOMB of Caribou.

Resolve, To Name Interstate 295 Ronald Reagan Memorial Highway

(H.P. 191) (L.D. 252)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator ANDREWS of York and Representatives: ANNIS of Dover-Foxcroft, CEBRA of Naples, COLLINS of Wells, DUPREY of Hampden, GLYNN of South Portland, MAREAN of Hollis, McKENNEY of Cumberland, STEDMAN of Hartland.

Bill "An Act To Require a Person Operating Farm Equipment on Public Roads To Be Adequately Trained"

(H.P. 194) (L.D. 255)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BROWNE of Vassalboro, FISHER of Brewer, HOGAN of Old Orchard Beach, PARADIS of Frenchville, SAMPSON of Auburn, Senator: BRYANT of Oxford.

UTILITIES AND ENERGY

Bill "An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities"

(H.P. 158) (L.D. 207)

Sponsored by Representative TWOMEY of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: ADAMS of Portland, BLISS of South Portland,

DUPLESSIE of Westbrook, HUTTON of Bowdoinham, JACKSON of Fort Kent, PARADIS of Frenchville, SMITH of Van Buren, TUTTLE of Sanford.

Bill "An Act To Authorize the Public Advocate To Represent Consumers in Federal Regulation of Railroads"

(H.P. 169) (L.D. 230)

Sponsored by Representative HOTHAM of Dixfield.

Cosponsored by Senator SAVAGE of Knox and Representatives: FLETCHER of Winslow, KAELIN of Winterport, MARLEY of Portland, McKENNEY of Cumberland, MOODY of Manchester, PATRICK of Rumford, SAVIELLO of Wilton.

Bill "An Act To Standardize Water Lien Provisions"

(H.P. 183) (L.D. 244)

Sponsored by Representative RICHARDSON of Greenville.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, RICHARDSON of Carmel, SHERMAN of Hodgdon.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative PATRICK for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 21-A, section 1124, subsection 3 asks leave to report that the accompanying Bill "An Act To Transfer Funds to the Maine Clean Election Fund"

(H.P. 157) (L.D. 206)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative TWOMEY of Biddeford, the following House Order: (H.O. 16)

ORDERED, that the Clerk of the House shall procure for Representatives and the Clerk of the House automobile registration plates that are similar in style to the plates issued for the Representatives of the 121st Legislature to be provided to any Representative and the Clerk of the House who requests and pays for the plates.

READ.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **PASSAGE** and later today assigned.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 13, 2005, 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 Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities"

(H.P. 51) (L.D. 55)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)
TABLED - January 11, 2005 (Till Later Today) by Representative PINGREE of North Haven.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs"

(H.P. 83) (L.D. 107)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)
TABLED - January 11, 2005 (Till Later Today) by Representative PINGREE of North Haven.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas"

(H.P. 139) (L.D. 188)

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested)
TABLED - January 13, 2005 (Till Later Today) by Representative PIOTTI of Unity.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Bill "An Act To Amend the Laws Governing Signs at Service Stations"

(H.P. 115) (L.D. 164)

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)
TABLED - January 13, 2005 (Till Later Today) by Representative SMITH of Monmouth.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

The following items were taken up out of order by unanimous consent:

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 Establish a New Method of Determining the State Budget"

(H.P. 217) (L.D. 292)

Sponsored by Representative JOY of Crystal.
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, GLYNN of South Portland, HOTHAM of Dixfield, McKENNEY of Cumberland.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Resolve, To Improve Maine's Economic Competitiveness

(H.P. 213) (L.D. 288)

Sponsored by Representative RECTOR of Thomaston.
Cosponsored by Senator DOW of Lincoln and Representatives: BIERMAN of Sorrento, CLOUGH of Scarborough, CURLEY of Scarborough, McKANE of Newcastle, ROBINSON of Raymond, SHERMAN of Hodgdon, SMITH of Monmouth, Senator: COWGER of Kennebec.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground"

(H.P. 207) (L.D. 282)

Sponsored by Representative BERUBE of Lisbon.
Cosponsored by Representatives: DAVIS of Augusta, WALCOTT of Lewiston, Senator MITCHELL of Kennebec, Senator COURTNEY of York and Representative: VAUGHAN of Durham, Senator: NUTTING of Androscoggin.

Bill "An Act To Prohibit Convicted Sex Offenders from Establishing Residency in Certain Municipalities"

(H.P. 210) (L.D. 285)

Sponsored by Representative VAUGHAN of Durham.
Under suspension of the rules, cosponsored by Senator PLOWMAN of Penobscot and Representatives: BISHOP of Boothbay, CARR of Lincoln, DUGAY of Cherryfield, GROSE of Woolwich, HANLEY of Gardiner, LANSLEY of Sabattus, PARADIS of Frenchville, PILON of Saco, PINKHAM of Lexington Township, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHERMAN of Hodgdon, THOMAS of Ripley, THOMPSON of China, Senator: SNOWE-MELLO of Androscoggin.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Improve the Moose Lottery Procedure" (EMERGENCY)

(H.P. 208) (L.D. 283)

Sponsored by Representative MOODY of Manchester.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Give Consumers the Option To Buy Cheaper Individual Health Insurance and Have Better Choices from Other States"

(H.P. 219) (L.D. 294)

Sponsored by Representative GLYNN of South Portland.
Cosponsored by Senator WESTON of Waldo and Representatives: LINDELL of Frankfort, VAUGHAN of Durham.

LABOR

Bill "An Act To Increase Retired Teachers' Insurance Benefits"

(H.P. 209) (L.D. 284)

Sponsored by Representative CANAVAN of Waterville.
Cosponsored by Representatives: DAVIS of Falmouth, EDGECOMB of Caribou, FINCH of Fairfield, FISCHER of Presque Isle, JACKSON of Fort Kent, MAZUREK of Rockland, PARADIS of Frenchville, Senator MITCHELL of Kennebec and Representatives: CRAVEN of Lewiston, GERZOFISKY of Brunswick, HUTTON of Bowdoinham, MAKAS of Lewiston, WALCOTT of Lewiston, Senator: GAGNON of Kennebec.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Allow Small Stores To Conduct Wine Taste Testings"

(H.P. 203) (L.D. 278)

Sponsored by Representative LEWIN of Eliot.
Cosponsored by Senator ANDREWS of York and Representatives: BOWLES of Sanford, HOTHAM of Dixfield, Speaker RICHARDSON of Brunswick, RICHARDSON of Skowhegan, THOMPSON of China, WHEELER of Kittery, Senators: NUTTING of Androscoggin, ROSEN of Hancock.

Bill "An Act Authorizing Property Managers To Bring Eviction Actions on Behalf of Landlords"

(H.P. 206) (L.D. 281)

Sponsored by Representative BERUBE of Lisbon.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CROSTHWAITE of Ellsworth, CURLEY of Scarborough, FLETCHER of Winslow, JODREY of Bethel, SAMPSON of Auburn, VAUGHAN of Durham.

Bill "An Act To Amend the Laws Governing Mobile Service Bars on Maine Golf Courses"

(H.P. 215) (L.D. 290)

Sponsored by Representative BROWNE of Vassalboro.
Cosponsored by Senator MAYO of Sagadahoc and Representatives: BROWN of South Berwick, BRYANT-DESCHENES of Turner, FISCHER of Presque Isle, HOTHAM of Dixfield, TARDY of Newport, Senators: DAMON of Hancock, PLOWMAN of Penobscot.

Bill "An Act To Extend Term Limits"

(H.P. 216) (L.D. 291)

Sponsored by Representative BISHOP of Boothbay.
Cosponsored by Senator MILLS of Somerset, Senator MAYO of Sagadahoc and Representatives: HOTHAM of Dixfield, PATRICK of Rumford, SAVIELLO of Wilton, Senator: DOW of Lincoln.

NATURAL RESOURCES

Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

(H.P. 218) (L.D. 293)

Sponsored by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator COWGER of Kennebec.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Eliminate the State Planning Office"

(H.P. 211) (L.D. 286)

Sponsored by Representative JOY of Crystal.
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, GLYNN of South Portland, HOTHAM of Dixfield, JACOBSEN of Waterboro, McKENNEY of Cumberland, VAUGHAN of Durham.

Bill "An Act To Require Fiscal Impact Notes for Proposed Agency Rules"

(H.P. 212) (L.D. 287)

Sponsored by Representative JOY of Crystal.
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, HOTHAM of Dixfield, McKENNEY of Cumberland, VAUGHAN of Durham.

Bill "An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements"

(H.P. 214) (L.D. 289)

Sponsored by Representative RINES of Wiscasset.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BLISS of South Portland, FLETCHER of Winslow, RICHARDSON of Skowhegan.
Submitted by the State Planning Office pursuant to Joint Rule 204.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative BARSTOW of Gorham, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act To Ensure That Sears Island Will Be Used for Industrial and Commercial Purposes"

(H.P. 202) (L.D. 277)

Sponsored by Representative McKENNEY of Cumberland.
Cosponsored by Senator COURTNEY of York and Representative: COLLINS of Wells, Senator: TURNER of Cumberland.

Bill "An Act To Require Trains in the State To Operate with a Minimum of 5 Employees" (EMERGENCY)

(H.P. 204) (L.D. 279)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, PARADIS of Frenchville, TUTTLE of Sanford, TWOMEY of Biddeford, Senators: BRYANT of Oxford, DAVIS of Piscataquis, GAGNON of Kennebec.

Bill "An Act To Amend the Penalties Involving High-speed Vehicle Pursuits"

(H.P. 205) (L.D. 280)

Sponsored by Representative MAKAS of Lewiston.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: BLANCHETTE of Bangor, CHURCHILL of Washburn, GREELEY of Levant, GROSE of Woolwich, PARADIS of Frenchville, Senators: ANDREWS of York, COURTNEY of York, NUTTING of Androscoggin.

On motion of Representative COLLINS of Wells, the House adjourned at 11:12 a.m., until 10:00 a.m., Wednesday, January 19, 2005.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Joint Select Committee on **PROPERTY TAX REFORM** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1)** on Bill "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels" (EMERGENCY) (H.P. 6) (L.D. 1)

Signed:

Senators:

DAMON of Hancock
MILLS of Somerset
PERRY of Penobscot

Representatives:

WOODBURY of Yarmouth
CLOUGH of Scarborough
LERMAN of Augusta
DUDLEY of Portland
DUGAY of Cherryfield
NORTON of Bangor
FLOOD of Winthrop
SMITH of Monmouth
BIERMAN of Sorrento

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-2)** on same Bill.

Signed:

Senator:

ROSEN of Hancock

Representatives:

McCORMICK of West Gardiner
STEDMAN of Hartland

READ.

On Motion of Representative WOODBURY of Yarmouth, the Majority **Ought to Pass as Amended** Report was accepted.

The Bill was **READ ONCE. Committee Amendment "A" (H-1)** was **READ** by the Clerk.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-1)** and later today assigned.

**CONSENT CALENDAR
First Day**

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

(H.P. 7) (L.D. 2) RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land Committee on **PROPERTY TAX REFORM** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-3)**

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

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

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