

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
9th Legislative Day
Tuesday, January 25, 2005

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

Prayer by Reverend Paul D. Basham, Interim Minister at Penney Memorial United Baptist Church, Augusta.

National Anthem by Marie Pressman, Maine State Music Theatre, Harpswell.

Pledge of Allegiance.

At this point, a message came from the Senate, borne by Sen. Brennan of Cumberland of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 6:30 in the evening for the purpose of extending to His Excellency, Governor John E. Baldacci, an invitation to attend the Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 6:30 in the evening and the Speaker appointed Representative DUPLESSIE of Westbrook to convey this message to the Senate.

Doctors of the day, Christopher Naun, M.D., Windham and Richard Kappelmann, M.D., Auburn.

The Journal of Thursday, January 20, 2005 was read and approved.

Representative CUMMINGS of Portland assumed the Chair. The House was called to order by the Speaker Pro Tem.

Subsequently, Representative DUPLESSIE of Westbrook reported that he had delivered the message with which he was charged.

SENATE PAPERS

Bill "An Act To Change the Definition of 'Academic Medical Center'"

(S.P. 103) (L.D. 341)

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 Encourage Reuse of Glass Bottles"

(S.P. 104) (L.D. 342)

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

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES**, in non-concurrence and sent for concurrence.

Bill "An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME" (EMERGENCY)

(S.P. 109) (L.D. 347)

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 Require That Health Care Providers Use Uniform Rates"

(S.P. 105) (L.D. 343)

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.

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

(S.P. 102) (L.D. 340)

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 Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Organizations"

(S.P. 100) (L.D. 338)

Bill "An Act To Amend Group Insurance Funding Requirements"

(S.P. 108) (L.D. 346)

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 To Include Androscoggin County in the Law Governing the Use of County Surplus Funds"

(S.P. 101) (L.D. 339)

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 Base the Excise Tax on Motor Vehicles on the Purchase Price" (EMERGENCY)

(S.P. 107) (L.D. 345)

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

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

**Pursuant to Statute
Maine Human Rights Commission**

Report of the **Maine Human Rights Commission** pursuant to the Maine Revised Statutes, Title 5, section 4566, subsection 11 asks leave to report that the accompanying Bill "An Act Relating to Unlawful Housing Discrimination"

(S.P. 99) (L.D. 321)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

Non-Concurrent Matter

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

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on January 18, 2005.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land

(H.P. 221) (L.D. 296)

FAILED OF PASSAGE TO BE ENGROSSED in the House on January 20, 2005.

Came from the Senate **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative **WOODBURY** of Yarmouth moved that the House **RECEDE AND CONCUR**.

Representative **WOODBURY** of Yarmouth **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 19

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brautigam, Burns, Cain, Clark, Driscoll, Dugay, Duplessie, Eberle, Farrington, Finch, Fischer, Gerzofsky, Hutton, Jennings, Kaelin, Koffman, Lerman, Lundeen, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Saviello, Schatz, Smith N, Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury.

NAY - Annis, Austin, Beaudette, Berube, Bishop, Bowen, Bowles, Brown R, Bryant, Campbell, Canavan, Carr, Cebra, Churchill, Craven, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Dudley, Dunn, Duprey, Eder, Edgecomb, Faircloth, Fitts, Fletcher, Flood, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Makas, Marean, Marraché, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pelletier-Simpson, Pinkham, Plummer, Rector,

Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Walcott.

ABSENT - Bierman, Brannigan, Browne W, Bryant-Deschenes, Clough, Collins, Cummings, Emery, Fisher, Glynn, Greeley, Marley, Mazurek, McKenney, Moore G, Rines, Rosen, Sampson, Mr. Speaker.

Yes, 49; No, 83; Absent, 19; Excused, 0.

49 having voted in the affirmative and 83 voted in the negative, with 19 being absent, and accordingly the Motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House **VOTED TO ADHERE**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Permit Municipalities To Adopt a Higher Property Tax Rate on Secondary Residential Property

(H.P. 220) (L.D. 295)

FAILED OF PASSAGE TO BE ENGROSSED in the House on January 20, 2005.

Came from the Senate **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative **WOODBURY** of Yarmouth moved that the House **RECEDE AND CONCUR**.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 20

YEA - Adams, Barstow, Blanchette, Bliss, Brautigam, Burns, Cain, Dudley, Dugay, Eberle, Eder, Faircloth, Fischer, Gerzofsky, Harlow, Hutton, Koffman, Lerman, Mills, Muse, O'Brien, Patrick, Percy, Pineau, Pingree, Piotti, Saviello, Schatz, Smith N, Watson, Webster, Woodbury.

NAY - Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dunn, Duplessie, Duprey, Edgecomb, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moulton, Nass, Norton, Nutting, Ott, Paradis, Pelletier-Simpson, Perry, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Wheeler.

ABSENT - Bierman, Brannigan, Bryant-Deschenes, Clough, Emery, Glynn, Greeley, Hotham, Moore G, Rines, Rosen, Sampson, Mr. Speaker.

Yes, 32; No, 106; Absent, 13; Excused, 0.

32 having voted in the affirmative and 106 voted in the negative, with 13 being absent, and accordingly, the Motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House **VOTED TO ADHERE**.

Non-Concurrent Matter

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)

Unanimous **REFER TO THE COMMITTEE ON INSURANCE AND FINANCIAL SERVICES** pursuant to the Maine Revised Statutes, Title 5, section 8072 Report of the Governor's Office of Health Policy and Finance **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in the House on January 6, 2005.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON INSURANCE AND FINANCIAL SERVICES** pursuant to the Maine Revised Statutes, Title 5, section 8072 Report of the Governor's Office of Health Policy and Finance **READ** and **REJECTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 33)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

December 15, 2004

Honorable John E. Baldacci

Governor of Maine

1 State House Station

Augusta, Maine 04333

Dear Governor Baldacci:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 122nd Maine Legislature on Tuesday, January 25, 2005 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Beth G. Edmonds

President of the Senate

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 34)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

December 16, 2004

The Honorable Beth G. Edmonds

President of the Senate

3 State House Station

Augusta, Maine 04333

The Honorable John Richardson

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

It is my pleasure to accept your invitation to deliver the State of the State Address at a Joint Session of the 122nd Maine Legislature on Tuesday, January 25, 2005, at 7:00 p.m.

I look forward to seeing you then.

Sincerely,

S/John E. Baldacci

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 35)

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

January 21, 2005

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Rule 371, I hereby appoint the following Representatives to serve as members of the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Representative Edward R. Dugay of Cherryfield, Chair

Representative Lillian LaFontaine O'Brien of Lewiston

Representative Marilyn E. Canavan of Waterville

Representative A. David Trahan of Waldoboro

Representative Robert H. Crosthwaite of Ellsworth

Representative Ronald F. Collins of Wells

Please feel free to contact me if you have any questions regarding these appointments.

Sincerely,

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 32)

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036**

January 18, 2005

The Honorable John Richardson

Speaker of the House

Maine House of Representatives

2 State House Station

Augusta, Maine 04333

Dear Speaker Richardson:

In accordance with Title 9-B MRSA subsection 217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which often address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at MaineBankingReg.org.

Very truly yours,

S/Colette L. Mooney

Acting Superintendent

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 98)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

January 18, 2005
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333
Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has nominated Kristin Aiello of Hallowell for appointment and Jadine O'Brien of Portland for reappointment as members of the Maine Human Rights Commission.
Pursuant to Title 5 M.R.S.A. §4561, these nominations will require review by the Joint Standing Committee on Judiciary.
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 **JUDICIARY**.
READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution 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 Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service"
(H.P. 294) (L.D. 392)
Sponsored by Representative MARLEY of Portland.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Amend the Maine Motor Vehicle Franchise Board Laws"
(H.P. 293) (L.D. 391)
Sponsored by Representative RECTOR of Thomaston.
Cosponsored by Senator HOBBS of York and Representatives: AUSTIN of Gray, BEAUDETTE of Biddeford, JACOBSEN of Waterboro, SMITH of Monmouth, Senator: BROMLEY of Cumberland.

Bill "An Act To Make Technical Changes to the Medical Licensure Laws"
(H.P. 301) (L.D. 398)
Sponsored by Representative SMITH of Monmouth.
Cosponsored by Representatives: DUDLEY of Portland, MARRACHÉ of Waterville, RECTOR of Thomaston, Senators: MARTIN of Aroostook, PERRY of Penobscot, SULLIVAN of York.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

(H.P. 302) (L.D. 399)

Sponsored by Representative FISCHER of Presque Isle.
Cosponsored by Senator MITCHELL of Kennebec and Representatives: BOWEN of Rockport, CAIN of Orono, CUMMINGS of Portland, DAVIS of Falmouth, Senators: BRENNAN of Cumberland, RAYE of Washington.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness"

(H.P. 261) (L.D. 348)

Sponsored by Representative GERZOFKY of Brunswick.
Cosponsored by Senator STRIMLING of Cumberland and Representative: BLANCHETTE of Bangor, Senator: CLUKEY of Aroostook.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act Regarding Bail Conditions"

(H.P. 270) (L.D. 357)

Sponsored by Representative GROSE of Woolwich.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, BRYANT of Windham, HUTTON of Bowdoinham, PARADIS of Frenchville, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, SMITH of Monmouth, WHEELER of Kittery.

Bill "An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit"

(H.P. 286) (L.D. 384)

Sponsored by Representative VAUGHAN of Durham.
Cosponsored by Representatives: CEBRA of Naples, GLYNN of South Portland, LANSLEY of Sabattus.

Bill "An Act To Improve Maine's Sex Offender Notification Laws"

(H.P. 292) (L.D. 390)

Sponsored by Representative MARLEY of Portland.
Cosponsored by Representatives: DAVIS of Falmouth, VAUGHAN of Durham, Senator ANDREWS of York and Representatives: DAVIS of Augusta, RINES of Wiscasset, SAMPSON of Auburn, WHEELER of Kittery.

EDUCATION AND CULTURAL AFFAIRS

Resolve, To Study the Feasibility of Establishing a Football Program at the University of Southern Maine

(H.P. 276) (L.D. 363)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: BLISS of South Portland, CAIN of Orono, HARLOW of Portland, HOGAN of Old Orchard Beach, MAZUREK of Rockland, NORTON of Bangor, Speaker RICHARDSON of Brunswick, Senator: HOBBS of York.

HEALTH AND HUMAN SERVICES

Bill "An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services"

(H.P. 262) (L.D. 349)

Sponsored by Representative CAMPBELL of Newfield.
Cosponsored by Senator MAYO of Sagadahoc and Representatives: GLYNN of South Portland, GROSE of Woolwich, JACOBSEN of Waterboro, LEWIN of Eliot, PINGREE of North Haven, SHIELDS of Auburn, WALCOTT of Lewiston, WEBSTER of Freeport.

Bill "An Act To Change the Child Care Facility Licensing Laws"

(H.P. 272) (L.D. 359)

Sponsored by Representative DUPREY of Hampden.

Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation Nursing (EMERGENCY)

(H.P. 284) (L.D. 382)

Sponsored by Representative CROSTHWAITE of Ellsworth.
Cosponsored by Senator WESTON of Waldo and Representatives: CURLEY of Scarborough, LINDELL of Frankfort, ROSEN of Bucksport, SHIELDS of Auburn.

Bill "An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council"

(H.P. 290) (L.D. 388)

Sponsored by Representative WEBSTER of Freeport.
Cosponsored by Senator MARTIN of Aroostook and Representatives: CAMPBELL of Newfield, DUDLEY of Portland, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, PINGREE of North Haven, WALCOTT of Lewiston, Senator: ROSEN of Hancock.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Give Moose Permits to Members of the Wesget-Sipu Organization"

(H.P. 267) (L.D. 354)

Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator MARTIN of Aroostook and Representative: PARADIS of Frenchville.

Bill "An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland"

(H.P. 277) (L.D. 364)

Sponsored by Representative LINDELL of Frankfort.
Cosponsored by Senator ROSEN of Hancock and Representatives: CROSTHWAITE of Ellsworth, ROSEN of Bucksport.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Enhance Uniformity of Insurance Producer Licensing"

(H.P. 278) (L.D. 376)

Sponsored by Representative FISCHER of Presque Isle.
Cosponsored by Representatives: CANAVAN of Waterville, GLYNN of South Portland, VAUGHAN of Durham, WOODBURY of Yarmouth, Senator: SULLIVAN of York.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Create a High-risk Pool in the Health Insurance Market"

(H.P. 296) (L.D. 394)

Sponsored by Representative McKANE of Newcastle.
Cosponsored by Senator WESTON of Waldo and Representatives: AUSTIN of Gray, BISHOP of Boothbay, GLYNN of South Portland, LINDELL of Frankfort, RICHARDSON of Warren, SHIELDS of Auburn, VAUGHAN of Durham, Senator: SNOWE-MELLO of Androscoggin.

JUDICIARY

Bill "An Act To Limit the Liability of Ambulance Services in Maine"

(H.P. 287) (L.D. 385)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator NASS of York and Representatives: DUNN of Bangor, FAIRCLOTH of Bangor, GERZOFKY of Brunswick, NASS of Acton, PELLETIER-SIMPSON of Auburn, SHERMAN of Hodgdon, Senators: BROMLEY of Cumberland, HOBBS of York.

LABOR

Bill "An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System"

(H.P. 263) (L.D. 350)

Sponsored by Representative CAMPBELL of Newfield.
Cosponsored by Senator NASS of York and Representatives: GLYNN of South Portland, GROSE of Woolwich, JACOBSEN of Waterboro, LEWIN of Eliot, WALCOTT of Lewiston, WEBSTER of Freeport, WHEELER of Kittery, Senator: COURTNEY of York.

Bill "An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation"

(H.P. 280) (L.D. 378)

Sponsored by Representative DAVIS of Falmouth.
Cosponsored by Senator BRENNAN of Cumberland and Representatives: CRESSEY of Cornish, JOY of Crystal, MARLEY of Portland, PINEAU of Jay, SHERMAN of Hodgdon, STEDMAN of Hartland, SYKES of Harrison, TRAHAN of Waldoboro.

Bill "An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges"

(H.P. 295) (L.D. 393)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BRYANT-DESCHENES of Turner, CROSTHWAITE of Ellsworth, FLETCHER of Winslow, JOY of Crystal, LANSLEY of Sabattus, MOORE of Standish.

Bill "An Act To Amend the Laws Concerning the Maine State Retirement System"

(H.P. 299) (L.D. 396)

Sponsored by Representative SMITH of Van Buren.
Submitted by the Maine State Retirement System pursuant to Joint Rule 204.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Ban Government Conflict of Interest in Elections"

(H.P. 285) (L.D. 383)

Sponsored by Representative VAUGHAN of Durham.
Cosponsored by Representatives: BERUBE of Lisbon, CEBRA of Naples, LANSLEY of Sabattus, LINDELL of Frankfort, SHERMAN of Hodgdon, THOMAS of Ripley.

MARINE RESOURCES

Bill "An Act To Encourage the Scallop Industry"

(H.P. 288) (L.D. 386)

Sponsored by Representative PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and Representatives: ASH of Belfast, DUGAY of Cherryfield, KAELIN of Winterport, SCHATZ of Blue Hill.

Bill "An Act To Provide the Portland Harbor Commission with the Authority To Arrest"

(H.P. 264) (L.D. 351)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BARSTOW of Gorham, CAIN of Orono, CUMMINGS of Portland, DUCHESNE of Hudson, EBERLE of South Portland.

Committee on **MARINE RESOURCES** suggested.

On motion of Representative PERCY of Phippsburg, **TABLED** pending **REFERENCE** and later today assigned.

NATURAL RESOURCES

Bill "An Act To Enhance the Safe Disposal of Household Hazardous Waste"

(H.P. 283) (L.D. 381)

Sponsored by Representative CURLEY of Scarborough.
Cosponsored by Senator DAMON of Hancock and Representatives: AUSTIN of Gray, ROSEN of Bucksport, TWOMEY of Biddeford.

Bill "An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects"

(H.P. 289) (L.D. 387)

Sponsored by Representative MILLER of Somerville. (BY REQUEST)
Cosponsored by Senator DOW of Lincoln and Representatives: ASH of Belfast, RINES of Wiscasset.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Reestablish the Penobscot County Budget Committee"

(H.P. 274) (L.D. 361)

Sponsored by Representative BLANCHARD of Old Town.
Cosponsored by Senator PERRY of Penobscot and Representatives: BLANCHETTE of Bangor, CAIN of Orono, CARR of Lincoln, CLARK of Millinocket, DUCHESNE of Hudson, DUNN of Bangor, FISHER of Brewer.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right

(H.P. 279) (L.D. 377)

Sponsored by Representative TWOMEY of Biddeford.
Cosponsored by Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, DUDLEY of Portland, EDER of Portland, GERZOFKY of Brunswick, O'BRIEN of Lewiston, PARADIS of Frenchville, WALCOTT of Lewiston.

Bill "An Act To Raise the Marriage Fees"

(H.P. 281) (L.D. 379)

Sponsored by Representative O'BRIEN of Lewiston.
Cosponsored by Representatives: BLISS of South Portland, GOLDMAN of Cape Elizabeth, JACOBSEN of Waterboro, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, VAUGHAN of Durham, WATSON of Bath, Senator: PERRY of Penobscot.

TAXATION

Bill "An Act To Exempt the United States Flag from State Taxation"

(H.P. 266) (L.D. 353)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator COURTNEY of York and Representatives: BIERMAN of Sorrento, BRYANT-DESCHENES of Turner, GLYNN of South Portland, KAELIN of Winterport, McCORMICK of West Gardiner, SEAVEY of Kennebunkport, THOMAS of Ripley, VAUGHAN of Durham.

Bill "An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System"

(H.P. 269) (L.D. 356)

Sponsored by Representative PARADIS of Frenchville.
Cosponsored by Senator GAGNON of Kennebec and Representatives: ADAMS of Portland, FISHER of Brewer, GROSE of Woolwich, PATRICK of Rumford, PILON of Saco, RINES of Wiscasset, SMITH of Van Buren, TWOMEY of Biddeford.

Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property"

(H.P. 271) (L.D. 358)

Sponsored by Representative FLETCHER of Winslow.
Cosponsored by Representatives: CARR of Lincoln, CLARK of Millinocket, JOY of Crystal, Senator: DAVIS of Piscataquis.

Bill "An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State"

(H.P. 275) (L.D. 362)

Sponsored by Representative DUPREY of Hampden.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: ANNIS of Dover-Foxcroft, CROSTHWAITE of Ellsworth, HALL of Holden, MARLEY of Portland, TRAHAN of Waldoboro, VAUGHAN of Durham, Senator: COURTNEY of York.

TRANSPORTATION

Bill "An Act To Create a Retired Firefighter License Plate"
(H.P. 273) (L.D. 360)

Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator PERRY of Penobscot, Senator MARTIN of Aroostook and Representatives: BROWN of South Berwick, DUPLESSIE of Westbrook, MOORE of Standish, PARADIS of Frenchville, PATRICK of Rumford, TUTTLE of Sanford, Senator: BRYANT of Oxford.

Bill "An Act To Allow Small Car Carriers To Haul the Maximum Allowed Vehicles"

(H.P. 282) (L.D. 380)

Sponsored by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook and Representatives: BLANCHETTE of Bangor, CLARK of Millinocket, DAIGLE of Arundel, FISCHER of Presque Isle, JACKSON of Fort Kent, PATRICK of Rumford, SAMPSON of Auburn, Senator: CLUKEY of Aroostook.

Bill "An Act Concerning Street Rod Standards"

(H.P. 298) (L.D. 395)

Sponsored by Representative MERRILL of Appleton.
Cosponsored by Representative TRAHAN of Waldoboro, Senator SAVAGE of Knox and Representatives: BROWNE of Vassalboro, HOGAN of Old Orchard Beach, MARLEY of Portland, MAZUREK of Rockland, PARADIS of Frenchville.

UTILITIES AND ENERGY

Bill "An Act To Assist Cellular Telephone Users"
(H.P. 265) (L.D. 352)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BARSTOW of Gorham, CAIN of Orono, EBERLE of South Portland, TWOMEY of Biddeford.

Bill "An Act To Amend the Mexico Water District Charter"
(H.P. 268) (L.D. 355)

Sponsored by Representative HOTHAM of Dixfield.
Cosponsored by Senator BRYANT of Oxford and Representatives: HANLEY of Paris, JODREY of Bethel, PATRICK of Rumford.

Bill "An Act To Amend the Waldoboro Utility District" (EMERGENCY)

(H.P. 291) (L.D. 389)

Sponsored by Representative TRAHAN of Waldoboro.

Bill "An Act To Promote the More Efficient Use of Natural Gas"

(H.P. 300) (L.D. 397)

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 297)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 314, subsection 4 to read:

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees' recommendations. ~~The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs.~~

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 6 to read:

6. Decision-making Authority. The Joint Standing Committee on Appropriations and Financial Affairs shall consider the policy committees' budget recommendations during the deliberations of the Joint Standing Committee on Appropriations and Financial Affairs ~~but retains sole decision-making authority on budget matters.~~ If the policy committee's biennial budget recommendation pursuant to subsection 4 is unanimous among the members of the policy committee, then the Joint Standing Committee on Appropriations and Financial Affairs shall abide by that recommendation and may not alter the recommendation.

READ.

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

SPECIAL SENTIMENT CALENDAR

In Memory of:

Sergeant Thomas John Dostie, of Somerville, whose death during an explosion at a mess hall in Mosul, Iraq has shocked and saddened citizens throughout the State and nation. Sgt. Dostie was a member of the 133rd Engineering Battalion and had transferred out of the 152nd maintenance Company in Camp Keyes, Augusta. He had received his SCBA firefighter certification just prior to leaving for Iraq. He was active in the Somerville Volunteer Fire Department and recently joined the Windsor Fire Department. We join others in Sgt. Dostie's community and throughout the State in extending our deepest sympathy to his beloved parents, Michael Dostie and Margaret Dostie, his loving family, his friends, neighbors and coworkers;

(HLS 33)

Presented by Representative MILLER of Somerville.
Cosponsored by Senator DOW of Lincoln, Speaker RICHARDSON of Brunswick, President EDMONDS of Cumberland, Representative CUMMINGS of Portland, Representative DUPLESSIE of Westbrook, Representative BOWLES of Sanford, Representative TARDY of Newport, Senator BRENNAN of Cumberland, Senator GAGNON of Kennebec, Senator DAVIS of Piscataquis, Senator WESTON of Waldo.

On **OBJECTION** of Representative MILLER of Somerville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to honor Sergeant Thomas Dostie, of Somerville, one of the young men killed in the Mosul Attack.

I knew Tommy well. I know his family well. Tommy was a dedicated community volunteer and public servant, both at home and on foreign soil. Such service is a family ethic. Tommy learned it from his parents, who are known throughout our small town for their generous gift of time and effort on behalf of others. Whenever someone has been burned out of their home, frozen out of their home in an ice storm, injured in a car accident on our icy roads, the Dostie Family is the first one there and when Tommy went down in Iraq, our small town was there for the Dosties.

Our collective expression of grief, support, and unity was one of those defining moments that makes you realize why you live in small town Maine, and why you wouldn't live anywhere else.

Thank you, Peggy and Michael, for raising such fine young men as Tommy and his brother Timmy, who is up in the gallery, and countless other foster children. Thank you for the sacrifice of your family that you have made on our behalf. Thank you, Mr. Speaker.

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

In Memory of:

Captain Christopher Cash, a native of Old Orchard Beach, who was killed on June 24, 2004 while on patrol training Iraq's civil defense forces. Captain Cash, a member of North Carolina's Army National Guard, was a graduate of Old Orchard Beach High School in 1985. He will be lovingly remembered for his exemplary character, helpful nature and outstanding leadership skills. Christopher's commitment to and sacrifice for his country have earned him the pride and gratitude of his native community and State;

(HLS 51)

Presented by Representative HOGAN of Old Orchard Beach.

Cosponsored by Senator HOBBS of York.

On **OBJECTION** of Representative HOGAN of Old Orchard Beach, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard, Representative Hogan.

Representative **HOGAN**: Mr. Speaker, Ladies and Gentlemen of the House. Christopher Scott Cash was a graduate of Old Orchard Beach High School in 1985. Christopher Cash left his mark on the school community, not only through his excellence in academics and athletics, but also because of his helping nature, and great outlook on life.

In 1987 Chris joined the Army, where he began his 17 years of military service. And while in the Army, Chris continued to value the educational process and continued both a Bachelor's and a Master's Degree in Exercise Physiology. He earned his Master's Degree at East Carolina University, where he was awarded Alumnus of The Year in 2004.

When Chris was not called for active duty, he worked as an exercise physiologist in North Carolina, enjoyed being a husband, and a father to his two sons.

On June 24th, 2004 Captain Christopher Scott Cash lost his life while serving our country in Iraq, and he will be remembered

for his caring ways, outstanding leadership skills, and dedication to all of his pursuits. Thank you, Mr. Speaker.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JOINT RULES** reporting **Ought Not to Pass** on Joint Order To Amend the Joint Rules To Require a 2/3 Vote To Exceed the Spending Cap

(S.P. 69)

Signed:

Senators:

MARTIN of Aroostook
GAGNON of Kennebec
BARTLETT of Cumberland

Representatives:

GERZOFISKY of Brunswick
ADAMS of Portland
CAIN of Orono

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

Signed:

Senators:

MILLS of Somerset
NASS of York

Representatives:

JOY of Crystal
CRESSEY of Cornish

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

READ.

Representative GERZOFISKY of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CRESSEY of Cornish **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 21

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Saviello,

Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Brannigan, Bryant-Deschenes, Clough, Dugay, Emery, Marraché, Moore G, Rosen.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** in Concurrence.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize a Growth Limitation on the Taxable Value of Homestead Land

(H.P. 7) (L.D. 2)

(C. "A" H-3)

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

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay

(H.P. 222) (L.D. 297)

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

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads

(H.P. 223) (L.D. 298)

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

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

(H.P. 224) (L.D. 299)

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

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **FINAL PASSAGE** and later today assigned.

The House recessed until 6:30 p.m.

(After Recess)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

At this point, the Senate came and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, the Honorable Beth Edmonds, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator Brennan of Cumberland, it was **ORDERED**, that a committee be appointed to wait upon First Lady Karen Baldacci, the Constitutional Officers, and the State Auditor, inviting them to attend the Joint Convention now assembled in The Hall of The House for the purpose of extending to Governor John E. Baldacci, an invitation to make such communication as pleases him.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Penobscot, Sen. Schneider

The Sen. from Androscoggin, Sen. Rotundo

The Sen. from York, Sen. Andrews

The Rep. from Gorham, Rep. Barstow

The Rep. from Biddeford, Rep. Twomey

The Rep. from Auburn, Rep. Sampson

The Rep. from Portland, Rep. Harlow

The Rep. from Blue Hill, Rep. Schatz

The Rep. from Ellsworth, Rep. Crosthwaite

The Rep. from Boothbay, Rep. Bishop

The Rep. from Dennysville, Rep. McFadden

The Rep. from York, Rep. Moulton

The Rep. from Fryeburg, Rep. Muse

Subsequently, the Senator from Penobscot, Senator Schneider, for the Committee, reported that the Committee had delivered the message with which it was charged and we are pleased to report that the First Lady, the Constitutional Officers, the State Auditor and son Jack, will attend forthwith.

The Chair recognized in the House Gallery, the First Lady of the State of Maine, Karen Baldacci and their son Jack.

The Chair also recognized in the House Gallery Secretary of State, Matthew Dunlap; Deputy Attorney General, Linda Pistner; State Treasurer, David G. Lemoine; State Auditor, Neria Douglass; Houlton Band of Maliseet Indians, Chief Brenda Commander; Penobscot Indian Nation Vice-Chief, Michael Bear.

On a motion by Senator Gagnon of Kennebec, it was **ORDERED** that a committee be appointed to wait upon the Honorable John E. Baldacci, Governor of the State of Maine, and extend to him an invitation to attend the Joint Convention of the two branches of the Legislature now assembled in the Hall of the House for the purpose of making such communication as pleases him.

The Order was Read and Passed.
The Chair will appoint the following:
The Sen. from Androscoggin, Sen. Rotundo
The Sen. from Aroostook, Sen. Martin
The Sen. from York, Sen. Nass
The Rep. from Portland, Rep. Brannigan
The Rep. from Portland, Rep. Dudley
The Rep. from Lewiston, Rep. Craven
The Rep. from Presque Isle, Rep. Fischer
The Rep. from Augusta, Rep. Lerman
The Rep. from Farmington, Rep. Mills
The Rep. from Waterford, Rep. Millett
The Rep. from Oakland, Rep. Nutting
The Rep. from Rockport, Rep. Bowen
The Rep. from Scarborough, Rep. Curley

Subsequently, Senator Rotundo of Androscoggin, for the Committee, reported that the committee had delivered the message with which it was charged and are pleased to report that the Honorable John E. Baldacci, Governor of the State of Maine, will attend forthwith.

The Chair is pleased to welcome the Honorable John E. Baldacci, Governor of the State of Maine, accompanied by the Honorable Leigh I. Sautley, Chief Justice of the Maine Supreme Judicial Court.

The Chair would like to thank this evening's Heralds: Sgt. Toby Pond and Sgt. Travis Pond of the 1136th Transportation Company of the Maine Army National Guard.

Governor John E. Baldacci, then addressed the Convention.

Governor **BALDACCI**: Madam President, Mr. Speaker, Madam Chief Justice, members of the Legislature, distinguished guests, my fellow citizens.

I would also like to recognize the first lady of Maine, Karen Baldacci, and our son Jack. Karen's work in the areas of education, literacy, wellness and nutrition and local agriculture has greatly benefited Maine.

When I came before you two years ago for my Inaugural Address, I spoke of the many challenges facing our state and the opportunities we wanted to create, the opportunity to bring good jobs with benefits and businesses to Maine, to lower the cost of health care, to improve our schools and preserve our natural resources.

At the time, we were facing a budget deficit of well over one billion dollars. Health care costs were soaring, and people and businesses were losing their health insurance. Two of our major paper companies had gone bankrupt, and our property tax system was out of line with the incomes of so many Maine people.

Two years later, the State of the State is sound, our future is brighter, and we've made significant progress. I believe with your help, hard work, Maine is on the path to becoming a national leader in providing opportunities for all of its citizens. I believe this for many reasons.

The two paper companies are back in business in Millinocket, East Millinocket and Lincoln, and are now employing hundreds of workers earning thousands of dollars and benefits, a real jumpstart to the economy of northern and central Maine. I'd like to recognize them and their workers, and thank them for their contributions to our state. I would like them to rise and accept on

behalf of their communities, the well wishes of the state, Katahdin paper, Rosaire Pelletier and Keith Vanscotter of Lincoln Paper and Tissue Company.

Jobs are growing, income is growing and the tax burden is falling. In the last year, we've added nearly 5,000 net new jobs to Maine's economy. Maine's personal incomes and wages are growing three times as fast as the rest of the country. Maine is the number one state in New England for agricultural income and our export business has grown the eighth fastest in the country.

We've increased our financial reserve by \$50 million and we've balanced our budget without raising broad based taxes. Our state tax burden has declined from 8th to 13th in the country, and under my administration the general fund has average rate increase, that was introduced a short while ago, is the lowest in 30 years.

On the difficult issues of taxes, health care and job creation, we've made real progress. The 122nd Maine Legislature is off to an unprecedented start. In the last thirty days you have achieved more than they have been able to achieve in the last thirty years.

Friday I signed into law LD 1, which reforms government spending and lowers Maine's property taxes. This bill saves taxpayers' money by establishing spending caps at all levels of government, expanding the individual and family property tax relief program, and ensuring that increased funding for school districts will go back to Maine citizens in the form of property tax relief. I want to congratulate and thank the bill sponsors; Senate President Beth Edmonds, and House Speaker John Richardson, along with Senator Dennis Damon, Senator Peter Mills, Representative Richard Woodbury and Representative Harold Clough, and the rest of the Joint Select Committee who have worked tirelessly and have shown us what is in the best interest of Maine politics, and having risen above special interests, and partisan interests, and placed the interests of the people of Maine first. Congratulations on a job well done. I ask them to rise and accept the greetings of this Chamber.

I also want to congratulate others who worked for the success of this package. Business leaders like Dana Connors of the Chamber of Commerce, local government leaders, senior citizens like AARP, and many others. Together we've enacted a property tax relief initiative in record time that is comprehensive, bipartisan, bold, and indeed, historic. And by the way, it saves property taxpayers on average statewide in 2 years about \$207.

It is at moments like these that I am especially proud to be your Governor.

Sounds a little like the best sports news story of the year, when the Red Sox finally won the World Series. Now some fans, nobody in this Chamber, may have thought that the Red Sox could never win, but there are those, like many of us in this Chamber and throughout our state, who have "kept the faith".

Just as the Red Sox proved the critics wrong, Maine can compete, and can win. Last year Maine won a national competition against states across the country and brought T-Mobile to central Maine, a Fortune 100 company, bringing 700 good paying jobs and benefits to this region of the state, covering full healthcare and pension plans. And I want to recognize Craig Nelson of First Park and Joe Wischerath of Maine & Company for their efforts in bringing this company to the State of Maine. Please rise and accept the well wishes of the house.

An operation in northern Maine is also saving millions of Department of Defense dollars, while supporting American Troops and providing excellent salaries and full benefits to Aroostook County workers. The initiative at the former Loring Air Force Base to refurbish military vehicles for a fraction of the cost of new vehicles has grown jobs in Aroostook County from 50 to

320, and the recent contract award will add another 240 new jobs in 2005.

In the next two years, we hope to begin to realize equivalent savings in state agencies and municipalities by rebuilding school buses and heavy equipment vehicles

These are the types of initiatives that will continue to build Maine's economy: homegrown and built on Maine values and talents. I want to recognize Art Cleaves. I know his brother Gary's leadership effort in this Loring Redevelopment Facility, and Art if you'd please rise and accept the greetings of the Chamber. We appreciate your efforts.

Our economic climate in Maine is getting stronger. Recently, the City of Portland was named the number one market in small business vitality. The study, conducted by the American City Business Journal, named Portland the strongest small business sector in the United States.

While other states see health care costs soaring, and individuals and businesses losing their insurance, we in Maine are taking action. Nearly 3,000 people representing over 250 small businesses, and nearly 1,000 sole proprietors are already enrolling in our nationally acclaimed Dirigo Health Program. Our partner, Anthem Blue Cross and Blue Shield is selling Dirigo in every part of the state. Dirigo is an important new choice in the market and Maine's small businesses are embracing it, proving that nothing succeeds like success. Dirigo is a first step and gets better as each new business joins in.

Many have written to me: Maureen McQuade from the Inn By the Sea in Cape Elizabeth says "Until Dirigo, health insurance wasn't an option for many of her workers, and that was unacceptable." Cindy Noyes of Noyes Flower and Plant Shop in caribou reports that lower Dirigo insurance rates have enabled her to give her staff a raise.

Chang ho Yee, a tailor, wrote that before Dirigo he and his wife hadn't had health coverage. They were fine, but they didn't know how long they'd be able to stay away from sicknesses. These are just three examples of real businesses, real people, and a real solution.

We've made significant strides and we need to do more in this session of the Legislature. We've also made significant strides in consolidating government services, particularly with the merger of the largest department of state government, Human Services, Mental Health and Mental Retardation.

I'd like to say thank you, especially to the state workers. Without the people on the front lines, we would not be getting the services to those truly in need. I want to thank them especially for their hard work, and their dedication.

But there is more work to be done. Maine must be a national leader in providing opportunities, creating good paying jobs with benefits. A leader in providing affordable, accessible, high quality health care for all Maine citizens, a leader in educating young students and older workers alike with the skills of the modern economy, a leader in preserving and protecting our natural resources for our children and their children well into the future.

I want to discuss all of these goals with you tonight. First, how can we promote jobs, opportunities, and good incomes? It is important to invest in our growing industries. This session we have the opportunity to invest in our future through a strategic and targeted bond package. We face necessary investments in roads and bridges, railroads, clean air and water, land preservation, research & development, and our universities and colleges. On both sides of the aisle, we know that capital investments are sound fiscal policies.

Next week I'm going to invite leadership from both sides of the aisle to meet with me to map out a bipartisan strategy on bond issues. Our state debt per capita is 30% below the national

average, and come November it will be over two years since we've gone out and had a bond issue before the voters. If we believe in our state, we need to invest in Maine's future, and we have an obligation to invest in the future of our children and our communities.

In my bond package, I will strongly support biomedical research and sustained research and development funding. Research & development performance is essential to the growth of our new economy. My last budget provided a 40% increase in R&D funding to the university system. Biomedical research jobs on average pay \$60,000 per year. Biotechnology employment in Maine has tripled in the last ten years, and we are just beginning.

Tonight I am pleased to announce three initiatives that will enhance both the biomedical sector and eastern and northern Maine by creating a biomedical triangle. The new research triangle will focus on five separate and distinct areas of human health; diabetes, cancer, heart disease, obesity, and osteoporosis.

First, the University of Maine trustees yesterday announced their intention to create a new Graduate School of Biomedical Sciences at its Bangor Campus. This will join a new college of allied health professionals, also at the Bangor Campus, a joint venture of the University of Maine and Eastern Maine Community College System. Sister Norberta and Dr. Clifford Rosen of St. Joseph's Hospital, will become an important piece of this initiative, as Dr. Rosen's research into osteoporosis is groundbreaking.

Third, Eastern Maine Health Care, the Jackson Laboratory, and the University of Maine are joining together to create a new Maine Institute for Human Genetics and Health in a Pine Tree Zone certified in Brewer.

Supported by my budget and bond proposal this year, these three new institutions will build on the strengths of Bangor and Brewer and surrounding towns, the Jackson laboratory, MDI Biological Laboratory, the University of Maine, area hospitals in northern, central, and eastern Maine, and the Community College System. This effort, along with southern Maine's successes, will provide the critical mass, creating jobs, and improving public health, and the research and development capacity to develop a health care workforce that we so sorely need.

My 2003 jobs bond supported biomedical research statewide and a new science building at the University of Southern Maine. Our new biomedical triangle will complement and augment southern Maine's effort and create a collaborative approach to research statewide.

Tonight I am honored to recognize the Mayors of Bangor and Brewer, Frank Farrington and Joe Ferris, who are helping these projects become a reality in their communities. I'm also honored to recognize Chancellor Joseph Westphal, UMO President of the University of Maine, Robert Kennedy and Eastern Maine Health Care's Norm Ledwin. If you'd all stand, and please receive the well wishes of the Chamber.

Science is one part of our economic development strategy. The creative economy is another. Today I signed an executive order creating a twenty-one member Creative Economy Council, to build a vibrant economy on a foundation of investments in our youth, our cultural institutions, entrepreneurship, and technology. I am pleased to recognize John Rohman, who is going to be leading this new council with the Department of Economic & Community Development. John, would you please rise and accept the greetings of this Chamber? Thank you.

Our budget proposes new efforts to support the creative economy at the Margaret Chase Smith Policy Center, at our Film Office, in Arts Education and at the new Office of Innovation. As a state we must continue to embrace arts, and culture and

technology as an economic engine. We must embrace innovation and entrepreneurship in our schools and workplaces, and we must celebrate that our young people are thriving in our revitalized downtowns, and we must celebrate that our extraordinary natural resources attract new residents, tourists, and the jobs that come with them. As I promised in last year's budget address, together we will be able to support our tourist economy. With the support of my budget, the University of Maine and the Community College System will educate tourism workers and entrepreneurs and launch a new Center for Tourism Research in Maine.

We will also support outdoor recreational tourism by developing a Pine-Tree Zone Program for natural resource based tourism businesses. My office will work with Representative Stan Moody, and his proposal to further develop this for the benefit of our entire state.

Like many of you, my phone calls are lost while I'm in the car on the road. Recently, I was driving to Portland and my call was repeatedly lost. This made me think, when will wireless service actually serve all of Maine? There are communities from Cape Elizabeth to Sebec where there is very little service. Maine's busiest road, the turnpike, is plagued by service problems. People visiting Maine used to tell jokes about the old downeaster who would say, "Ya know, come to think of it, you can't get there from here." Well, now people visiting Maine are saying, "Can you hear me now!"

Maine's telecommunications infrastructure is sound. Through substantial investments by Verizon and others, we have a fiber backbone that is second to none. Still, in this fast-paced global economy, we cannot rest. We need to build on our foundation to keep every advantage we have.

Tonight I am announcing "Connect Maine," a broad and aggressive telecommunications strategy for this state. Connect Maine will give nearly every Mainer the opportunity to plug into the global economy from their community. It will ensure that 90% of Maine's communities have broadband access in 2010; and 100% of Maine communities have quality wireless service by 2008; and Maine's education system, which has the technology infrastructure that leads the nation.

By being able to connect these strategies together, and devising the input from public and private agencies over the next few months, these goals will become reality, with hard work and vision. Here in Maine we've worked hard to protect those investments, and with this initiative we're going to see it reinforced.

We've also worked hard to protect health care and protect jobs. The time has come to protect all citizens against discrimination. How can we say we support Maine's economy when we do not protect against workplace discrimination? Maine is no place for discrimination. I intend to offer legislation to protect basic civil rights for all Maine citizens.

Our second major strategy is to continue progress on health care. We've already done a lot, but Dirigo health is about more than an insurance card. It's about making health care better and more affordable for all of us. All of us in Maine know someone with a chronic illness, which can take a toll on the quality of our lives and on our families. There is a tested, new way to provide better care for those chronically ill. It is working now in some parts of Maine, and needs to be practiced everywhere in Maine. That's why I've convened a task force of physicians, hospitals, nurses, consumers and policymakers to charge them to work with Maine's communities and its health providers and businesses, so tonight we continue the task of making Maine the healthiest state. Maine's "Care Model" will show how we care for each other and

working together we will be able to reduce the rate of chronic illness in Maine and help Mainers and their families stay strong.

This isn't a new product or a quick pill to get well, it's a concerted new way to do business, to help us to be able to prevent the disabilities, and to lose the weight, and to make sure that those of us who already have a chronic illness, get the right kind of care at the right time for the right price.

The other great challenge before us is the cost of prescription drugs. Why should a resident of Calais pay one price for a prescription, and a resident across the border pay much less, much less? We are reaching across the border to work with the Canadian government to allow Maine residents to buy prescriptions at lower prices. We are also using the purchasing power of state government to negotiate better rates and discounts.

We're not going to just buy from Canada, we're going to negotiate lower prices like Canada, and I have recently sent a letter to other governors to join our initiative, and to build up our purchasing power. Several have already responded, and we're going to invite Maine businesses, large and small, to join the effort to help them to lower their health costs as well.

I have also asked the federal government to allow Maine to reimport drugs from Canada, using the Penobscot Nation as a bulk wholesaler, and distributing lower cost prescription drugs to pharmacies throughout the state.

While Dirigo health reform is a work in progress, its progress is already clear. Just ask the 3,000 people already enrolled. Health reform is hard work, but we must succeed and send a message that Maine people care about each other and are going to work together to tackle real problems.

Our third strategy is to provide world-class education to our young students and older workers alike. Eighteen months ago we launched the Community College System.

Last year I set an aggressive goal to increase Maine's high school, college rate from 55% to 70% by the end of the decade. Community colleges have already increased enrollment by a third. In fact, Southern Maine Community College is the fifth fastest growing community college in the country, nearly doubling its degree enrollment in just two years.

Tonight I want to build on that momentum and announce the Early College for Maine Program. We're going to match the grant of the Osher Foundation and help non-traditional students get in and succeed in community college. Success and opportunity through education.

I am also honored to announce a new student assistance program offered by the Finance Authority of Maine. Last week, the board of directors voted to authorize \$2 million in new scholarships for the school year beginning next September. This new scholarship money is going to assist 2,500 of Maine's most needy students to access higher education.

Tonight I am also announcing my support for the creation of a Sunrise Business and Career Center. The center will serve students from Lubec to Cherryfield in Washington County. This is the only part of the state without a vocational education center. The center is going to provide secondary education and career retraining for adults adversely affected by our changing economy. It will also have a small business incubator to stimulate new job growth in Pine Tree Zones across downeast Maine. Congratulations to the people in Washington County.

Our fourth strategy is to promote the environment and sustainable development. I'm proud that Maine leads the nation in the number of acres in forests that are managed in a certified environmentally sound manner. And we plan to increase certified green acreage by 40% by 2007. Already it is paying off. Because of these efforts, Time, Inc. has increased its Maine green paper

purchase by over 10%. "Maine Green" will become a global image.

I'm also very proud of the hundreds of volunteers who contributed many thousands of hours of their time to make Operation Keep Maine Warm a great success. Last fall, when heating oil prices were about \$2 dollars a gallon and federal funding for heating aid was inadequate, a public/private partnership was created. State agencies packaged simple weatherization kits. Church and civic volunteers installed them in homes of 1,600 of our most vulnerable seniors.

The cost of the program was under \$80,000. The savings to low-income seniors is going to exceed \$700,000 over the life of those improvements. The program has proved successful, and so many people have pointed out that many more low income elderly could benefit, that I pledge tonight we're going to continue to keep Operation Keep Maine Warm going. And at this time, I'd like to recognize Beth Nagusky and the volunteers here tonight that helped to work on the seniors' homes this season. Beth, would you please stand with the volunteers and recognize the students? Thank you very much. Thank you, Beth, on behalf of the people and all of the volunteers.

Month after month the evidence grows that our reliance on oil to fuel our economy makes Maine more vulnerable to forces we cannot easily control. This includes escalating prices and the risk of oil shortages. Because of this, I have asked and worked towards Maine State Government becoming a leader on the path towards energy independence.

We now purchase 40% of our electricity from Maine's own renewable power resources. We heat state office buildings with biodiesel fuel. All of the new renovated state buildings will be U.S. Green Building Standards Certified and we are improving the fuel economy of the state fleet by purchasing more hybrids and smaller vehicles. These energy saving steps have saved the state \$776,000 in transportation, fuel costs, reduced state government costs, and greenhouse gas emissions by 8% in the past 2 years. It's a great story and I am fully committed to advancing these sustainable practices in the next year, as we move forward. But on a statewide basis, we have to look at creating an energy independent Maine that depends less on Mideast oil and more on renewable energy resources within our own borders.

I am introducing legislation that gives Maine people incentives to purchase and install solar energy systems in their homes and small businesses. These incentives will help Maine people to control their high and volatile energy prices, and at the same time save the air that we all breath.

Our final strategy is to coordinate our efforts to streamline government.

The best thing we in state government can do is practice what we preach, so here we are. This year we will consolidate financial, information technology, payroll, human resources, and administrative hearings services.

Through centralized management of these backbone operations we can more effectively control state government spending, saving over \$11 million in the next 2 years. In addition, the Department of Health and Human Services is in the process of redesigning its child welfare system to reduce the number of children that come into state custody, and to lessen the time that it takes to place children in permanent adoptive families or to return them to their birth parents.

We currently have 13% fewer children in our foster care system than we did a year ago, and we will continue to reduce that number over the next biennium while fulfilling our common obligation to protect children. There is no social service agency better than a healthy family.

Without sacrificing our ability to intervene when it is really necessary, we will support more children in their family and community. Mainers know the value of a safe family, and our child welfare system must support, not frustrate, safe families.

We are not alone in our efforts to reinvent government. People all over Maine are thinking about how to deliver public services more efficiently. Over in Lewiston and Auburn the mayors of the two cities happen to be brothers, Lionel and Norman Guay. They have set up a task force chaired by Justice Bob Clifford and Community Credit Union President, Donna Steckino, to look at ways to combine services in the twin cities; a new combination of Lewiston and Auburn, kind of the "LA of the East."

Tonight I am pleased to announce \$15,000 to support these collaborative efforts of Lewiston and auburn that will lead to so many other new opportunities, and I'd like to ask the mayors of the two cities to please rise and accept the greetings of this Chamber.

All of these efforts will pay off in the long run. That's the way Maine is, and the spirit of Maine brings that about.

As I speak to you this evening, though, citizen soldiers of the Maine National Guard are deployed in Iraq and around the world. When the 152d Maintenance Company leaves this Sunday morning for training before their deployment to Iraq, the Maine Army National Guard will have mobilized and deployed over 65% of their organization. As a state, we have shared in their highs, and their bitter lows. During this period, as we mourn the loss of many wonderful people, we must recognize all of their valiant efforts. I've spoken with many of the soldiers and their families. They don't seek publicity, they just want to do their part to defend their country, to help others in the world. Columns that were written by Bill Nimitz in the Portland papers accurately depicted the real heroes, the Men from Maine, and their valiant efforts to protect one another.

One early morning phone call over to Iraq, I talked to Senior Officer Jensen, and I had conveyed to him the sympathies and the concerns from all of us here in the State of Maine. He said to me, when I asked him what is it that we could do, and I asked him that, he said to me, he said just take care of the families back home. And we're going to do our part to protect the military families and those returning from deployment. So tonight I am proposing to make permanent the waiver of continuing education requirements for professional licensure of those serving overseas, to relieve businesses of unemployment charges when a soldier returns from their deployment

I also want to recognize the businesses that have recognized the sacrifice, and appreciate their support for our servicemen and women as they're doing their duty for their country, and for all of us.

And also in our budget, I propose a special license plate. The funds raised from the sale of that plate are going to go towards the family support groups that help the families of soldiers with medical, financial, scholarship, and emergency assistance.

These are small things, but they matter because we are all family in Maine, and that's why we're here tonight.

I would like to ask General Libby if he would please rise and accept the greetings of the Chamber, and also to pass them on to our soldiers serving overseas, and those going. General, would you please rise?

I've often thought, as they're doing their work and making their sacrifices, and reflecting on the State of Maine, it's so important for us to remind ourselves why we're here. We're here to make people's lives better. It's not about politics. It's not about personal gain. It's about keeping true to the tradition we have been given. Governor Percival Baxter once said, "To come to

know Maine and its people is a wonderful experience, for the Almighty has lavishly bestowed his blessings upon all of us."

We are all blessed, everyone in this chamber, everyone watching and listening at home. This is a wonderful state. Let us all dedicate ourselves tonight, as the men and women overseas have, to keep the blessing alive for future generations.

Thank you, good night, and God Bless the State of Maine.

The purpose for which the Convention was assembled, having been accomplished, I now declare the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

On motion of Representative DUPLESSIE of Westbrook, the House adjourned at 7:53 p.m., until 10:00 a.m., Thursday, January 27, 2005 and in honor and lasting tribute to Sergeant Thomas John Dostie, of Somerville and Captain Christopher Cash, of Old Orchard Beach.