

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
10th Legislative Day
Thursday, January 27, 2005

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

Prayer by Honorable Birger T. Johnson, Pastor, United Church of Christ, South Portland.

National Anthem by Stratton Elementary School All Star Steel Drum Band.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of Tuesday, January 25, 2005 was read and approved.

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

SENATE PAPERS

Bill "An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf" (EMERGENCY)

(S.P. 128) (L.D. 404)

Bill "An Act To Provide Funding for Hospices in Maine" (EMERGENCY)

(S.P. 134) (L.D. 410)

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 Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Support Construction of a 'Curtis Class' Vessel for the Maine State Ferry Service"

(S.P. 135) (L.D. 411)

Committee on **TRANSPORTATION** suggested and ordered printed.

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 Protect Consumers by Requiring Retail Businesses To Post Complaint Contacts" (EMERGENCY)

(S.P. 113) (L.D. 366)

Bill "An Act To Require the Disclosure of the State's Implied Warrant Laws"

(S.P. 116) (L.D. 369)

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 Authorize the Regulation of Firearms on Public Property"

(S.P. 106) (L.D. 344)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act"

(S.P. 124) (L.D. 400)

Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses

(S.P. 129) (L.D. 405)

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 Monitor and Maintain Maximum Levels of Assistance in the General Assistance Program"

(S.P. 114) (L.D. 367)

Resolve, Directing the Department of Health and Human Services To Develop a Proposal To Create the Office of Minority Health

(S.P. 125) (L.D. 401)

Bill "An Act To Require Able-bodied Welfare Recipients To Seek Employment and Work or Volunteer"

(S.P. 126) (L.D. 402)

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 Limiting Recovery of Disability Benefits Subject to Offsets"

(S.P. 132) (L.D. 408)

Bill "An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties"

(S.P. 133) (L.D. 409)

Bill "An Act To Require a Credit Card To Contain the Photo and Signature of the Cardholder"

(S.P. 138) (L.D. 414)

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 Amend the Maine Clean Election Act"

(S.P. 115) (L.D. 368)

Bill "An Act To Create a Protected Zone around the Voting Place"

(S.P. 121) (L.D. 374)

Bill "An Act To Clarify the Definition of 'Lobbyist'"

(S.P. 136) (L.D. 412)

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 Achieve Compliance with the Interstate Lobster Fishery Management Plan" (EMERGENCY)

(S.P. 120) (L.D. 373)

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

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

Bill "An Act To Repeal the Minimum Penalty for Environmental Violations"

(S.P. 127) (L.D. 403)

Bill "An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals"

(S.P. 130) (L.D. 406)

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 Provide the Veterans' Property Tax Exemption to All Veterans"

(S.P. 112) (L.D. 365)

Bill "An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries"

(S.P. 117) (L.D. 370)

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

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

Bill "An Act To Enhance Property Tax Relief through the State-municipal Revenue-sharing Program"

(S.P. 119) (L.D. 372)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

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

Bill "An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties"

(S.P. 118) (L.D. 371)

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

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

Bill "An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety"

(S.P. 131) (L.D. 407)

Bill "An Act To Amend the Procedure by Which the York Sewer District May Be Dissolved"

(S.P. 137) (L.D. 413)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

**Pursuant to Statute
Maine Turnpike Authority**

Report of the **Maine Turnpike Authority** pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006"

(S.P. 123) (L.D. 375)

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

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

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

Non-Concurrent Matter

Bill "An Act To Repeal the Excise Tax on Motor Vehicles"

(H.P. 240) (L.D. 316)

REFERRED to the Committee on **TAXATION** in the House on January 19, 2005.

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

On motion of Representative WOODBURY of Yarmouth, the House voted to **INSIST**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills, Resolves and Resolutions 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 Require Veterinarians To Provide Vaccine Disclosure Forms"

(H.P. 314) (L.D. 429)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator DOW of Lincoln and Representatives: BLISS of South Portland, CUMMINGS of Portland, DUGAY of Cherryfield, DUPLESSIE of Westbrook, GROSE of Woolwich, MARLEY of Portland, PINGREE of North Haven, Senator: BROMLEY of Cumberland.

Bill "An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations"

(H.P. 318) (L.D. 433)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator BRYANT of Oxford and Representatives: FLOOD of Winthrop, JENNINGS of Leeds, MAREAN of Hollis, Senator: RAYE of Washington.

Submitted by the Department of Conservation pursuant to Joint Rule 204.

Resolve, To Improve Access to Emergency Services in State Parks and in the Maine Wildlife Park

(H.P. 323) (L.D. 438)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representative: AUSTIN of Gray.

Bill "An Act To Remove an Access Gate from State-owned Land in Pittston Academy Grant, T2 R4 NBKP"

(H.P. 335) (L.D. 457)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representatives: CARR of Lincoln, JACKSON of Fort Kent, JOY of Crystal, PARADIS of Frenchville, PINEAU of Jay, TUTTLE of Sanford, Senators: BRYANT of Oxford, DAVIS of Piscataquis.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from Licensure"

(H.P. 309) (L.D. 424)

Sponsored by Representative TARDY of Newport.

Cosponsored by Senator PLOWMAN of Penobscot and Representatives: CARR of Lincoln, JOY of Crystal, THOMAS of Ripley, Senator: DAVIS of Piscataquis.

Resolve, To Place a Moratorium on School Administrative Units' Local Assessment Systems

(H.P. 311) (L.D. 426)

Sponsored by Representative NORTON of Bangor.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, FARRINGTON of Gorham, FISCHER of Presque Isle, LANSLEY of Sabattus, MAKAS of Lewiston, MERRILL of Appleton, O'BRIEN of Lewiston.

HEALTH AND HUMAN SERVICES

Bill "An Act To Provide Health Care Savings Accounts and Health Care Management in MaineCare"

(H.P. 327) (L.D. 442)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Representatives: CAMPBELL of Newfield, CURLEY of Scarborough, GLYNN of South Portland, LEWIN of Eliot, LINDELL of Frankfort, SHIELDS of Auburn.

Bill "An Act To Simplify Application for Benefits and Services under the Department of Health and Human Services"

(H.P. 329) (L.D. 451)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator MARTIN of Aroostook and Representatives: GROSE of Woolwich, PINGREE of North Haven, WALCOTT of Lewiston, Senator: MAYO of Sagadahoc.

Resolve, To Direct the Department of Health and Human Services To Establish a Procedure for the Timely Assessment of an Older Individual's Need for Mental Health Services

(H.P. 336) (L.D. 458)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, DRISCOLL of Westbrook, GROSE of Woolwich, O'BRIEN of Lewiston, PINGREE of North Haven, WALCOTT of Lewiston, Senator: MAYO of Sagadahoc.

Bill "An Act To Require That Certain Health Care Staff Be Certified in CPR and To Require That Nursing Homes Be Equipped with Automated External Defibrillators"

(H.P. 338) (L.D. 460)

Sponsored by Representative BARSTOW of Gorham.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BLANCHARD of Old Town, CAIN of Orono, DAVIS of Falmouth, FARRINGTON of Gorham, PINGREE of North Haven, RINES of Wiscasset, Senators: PERRY of Penobscot, SAVAGE of Knox.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Establish a 3-day Field Trial Competition on Bobcats"

(H.P. 305) (L.D. 420)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, PATRICK of Rumford, SHERMAN of Hodgdon, THOMAS of Ripley.

Bill "An Act To Improve the Water Quality of Hall Pond in Paris"

(H.P. 306) (L.D. 421)

Sponsored by Representative HANLEY of Paris.

Bill "An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season"

(H.P. 312) (L.D. 427)

Sponsored by Representative ANNIS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: RICHARDSON of Carmel, RICHARDSON of Greenville, SHERMAN of Hodgdon, THOMAS of Ripley, TRAHAN of Waldoboro.

Bill "An Act To Grant Limited Reciprocity to Nonresident ATV Users"

(H.P. 316) (L.D. 431)

Sponsored by Representative LUNDEEN of Mars Hill.

Cosponsored by Representatives: MOODY of Manchester, PINEAU of Jay, SMITH of Van Buren, TWOMEY of Biddeford, WHEELER of Kittery.

Bill "An Act To Assist the Mobility of the Disabled in Hunting and Outdoor Recreation"

(H.P. 331) (L.D. 453)

Sponsored by Representative HUTTON of Bowdoinham. (BY REQUEST)

JUDICIARY

Bill "An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens"

(H.P. 317) (L.D. 432)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator DOW of Lincoln and Representatives: LINDELL of Frankfort, MERRILL of Appleton, TRAHAN of Waldoboro, VAUGHAN of Durham, Senator: COURTNEY of York.

LABOR

Bill "An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits"

(H.P. 308) (L.D. 423)

Sponsored by Representative CRAVEN of Lewiston.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CANAVAN of Waterville, DUNN of Bangor, FAIRCLOTH of Bangor, HUTTON of Bowdoinham, NORTON of Bangor, SMITH of Van Buren, TUTTLE of Sanford, WALCOTT of Lewiston.

Bill "An Act To Amend the Laws Relating to Unemployment Compensation"

(H.P. 310) (L.D. 425)

Sponsored by Representative FISCHER of Presque Isle.

Bill "An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law"

(H.P. 315) (L.D. 430)

Sponsored by Representative NORTON of Bangor.

Cosponsored by President EDMONDS of Cumberland and Representatives: CRAVEN of Lewiston, HUTTON of Bowdoinham, MAKAS of Lewiston, MERRILL of Appleton, SMITH of Van Buren.

Bill "An Act To Conform Maine Law to Federal Overtime Standards"

(H.P. 320) (L.D. 435)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: McFADDEN of Dennysville, MILLETT of Waterford, TRAHAN of Waldoboro, VAUGHAN of Durham.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Remove the Restriction on the Number of Liquor Licenses Issued"

(H.P. 307) (L.D. 422)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by Representatives: BARSTOW of Gorham, SAVIELLO of Wilton.

Bill "An Act To Make Disputed Ballots in State Elections Public"

(H.P. 334) (L.D. 456)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator DOW of Lincoln and Representatives: BOWLES of Sanford, CLOUGH of Scarborough, CURLEY of Scarborough, RECTOR of Thomaston, TARDY of Newport.

MARINE RESOURCES

Bill "An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws"

(H.P. 319) (L.D. 434)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, KOFFMAN of Bar Harbor, PERCY of Phippsburg, RECTOR of Thomaston.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Require a Nonpartisan Legislature"

(H.P. 313) (L.D. 428)

Sponsored by Representative GREELEY of Levant.

RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County

(H.P. 325) (L.D. 440)

Sponsored by Representative JOY of Crystal.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, McFADDEN of Dennysville, SAVIELLO of Wilton, SHERMAN of Hodgdon, STEDMAN of Hartland, THOMAS of Ripley, VAUGHAN of Durham.

Bill "An Act To Encourage Cooperation between School Districts"

(H.P. 328) (L.D. 443)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Representatives: BARSTOW of Gorham, BISHOP of Boothbay, DAVIS of Falmouth, FISCHER of Presque Isle, MERRILL of Appleton, STEDMAN of Hartland.

Bill "An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature"

(H.P. 333) (L.D. 455)

Sponsored by Representative FAIRCLOTH of Bangor.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 339) (L.D. 461)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Representative RICHARDSON of Skowhegan, Senator DOW of Lincoln.

TAXATION

Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses"

(H.P. 321) (L.D. 436)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Representative HANLEY of Paris, Senator COURTNEY of York and Representatives: BIERMAN of Sorrento, BOWLES of Sanford, McCORMICK of West Gardiner, RECTOR of Thomaston, TARDY of Newport, Senator: NASS of York.

Bill "An Act To Provide a Sales Tax Holiday"

(H.P. 330) (L.D. 452)

Sponsored by Representative HUTTON of Bowdoinham. (BY REQUEST)

Bill "An Act To Prohibit Private Nonmedical Institutions from Passing Along the Service Provider Tax to Residents"

(H.P. 332) (L.D. 454)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: CRAVEN of Lewiston, DRISCOLL of Westbrook, GROSE of Woolwich, O'BRIEN of Lewiston, PINGREE of North Haven, WALCOTT of Lewiston.

Committee on **TAXATION** suggested.

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

TRANSPORTATION

Bill "An Act To Exempt Certain Tires from the Speed Rating Requirements"

(H.P. 303) (L.D. 418)

Sponsored by Representative SMITH of Monmouth.
Cosponsored by Representatives: COLLINS of Wells, O'BRIEN of Lewiston, SAMPSON of Auburn.

Bill "An Act To Create a License Plate for the National Rifle Association"

(H.P. 304) (L.D. 419)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representatives: BERUBE of Lisbon, CRESSEY of Cornish, DUPREY of Hampden, LANSLEY of Sabattus, TRAHAN of Waldoboro, VAUGHAN of Durham, WATSON of Bath, Senator: SNOWE-MELLO of Androscoggin.

Bill "An Act To Create an Agriculture Recognition License Plate"

(H.P. 322) (L.D. 437)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: ANNIS of Dover-Foxcroft, JODREY of Bethel, SAVIELLO of Wilton, TARDY of Newport, THOMPSON of China, Senators: BRYANT of Oxford, DAVIS of Piscataquis, DOW of Lincoln.

Bill "An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways"

(H.P. 324) (L.D. 439)

Sponsored by Representative CRAVEN of Lewiston.
Cosponsored by Senator MARTIN of Aroostook and Representatives: BABBIDGE of Kennebunk, CANAVAN of Waterville, DUNN of Bangor, FAIRCLOTH of Bangor, MAKAS of Lewiston, O'BRIEN of Lewiston, SAMPSON of Auburn, WALCOTT of Lewiston.

Bill "An Act To Change the Fine Structure for Overweight Hauling Vehicles"

(H.P. 326) (L.D. 441)

Sponsored by Representative SAVIELLO of Wilton.
Cosponsored by Senator MARTIN of Aroostook and Representatives: FISCHER of Presque Isle, HOTHAM of Dixfield, JACKSON of Fort Kent, LUNDEEN of Mars Hill, MILLS of Farmington, MOODY of Manchester, TRAHAN of Waldoboro, Senator: DAVIS of Piscataquis.

UTILITIES AND ENERGY

Bill "An Act To Amend the Mexico Sewer District Charter"

(H.P. 337) (L.D. 459)

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

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 20)

ORDERED, that Representative Christian D. Greeley of Levant

be excused Wednesday, January 19th and Thursday, January 20th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In Memory of:

Jodie Lane, of New York and Maine, who was tragically killed by stray electrical current in New York City's East Village while walking her dog. Every summer Jodie returned to her family's summer camp on Sebago Lake. Her grandfather was A. Edward Langlois, former general manager of the Maine Port Authority and executive director of the Maine Innkeepers Association. At the time of her death, Jodie was working toward a doctorate in clinical psychology, specializing in Obsessive-Compulsive Disorder in children. Her family hopes to complete and publish a book she was writing explaining OCD to children. We join Jodie's family and friends in mourning the loss of this generous, caring and nurturing person;

(HLS 59)

Presented by Representative EBERLE of South Portland.
Cosponsored by Representative BLISS of South Portland, Representative GLYNN of South Portland, Senator BROMLEY of Cumberland.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 25, 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 Protect Unborn Children from Acts of Violence"

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

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested)

TABLED - January 18, 2005 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

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

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

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

(Committee on **MARINE RESOURCES** suggested)

TABLED - January 25, 2005 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - REFERENCE.

Subsequently, on motion of Representative PERCY of Phippsburg, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

Joint Order To Amend the Joint Rules To Restrict Changes to Certain Budget Items

(H.P. 297)

TABLED - January 25, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **PASSAGE** (2/3 Vote Required).

Subsequently, the Bill was **REFERRED** to the Joint Select Committee on **JOINT RULES**, ordered printed and sent for concurrence.

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)

TABLED - January 25, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **FINAL PASSAGE**.

Representative CUMMINGS of Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 22

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Crosby, Cummings, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Mills, Moody, Moore G, Nass, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Sampson, Schatz, Shields, Smith N, Smith W, Sykes, Thomas, Tardy, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaudette, Browne W, Cressey, Crosthwaite, Curley, Daigle, Duprey, Hamper, Joy, Lewin, Millett, Moulton, Muse, Pinkham, Robinson, Seavey, Sherman, Sykes, Thomas, Twomey, Vaughan.

ABSENT - Brannigan, Bryant-Deschenes, Gerzofsky, Hotham, Lerman, Norton, Rosen, Saviello, Stedman.

Yes, 121; No, 21; Absent, 9; Excused, 0.

121 having voted in the affirmative and 21 voted in the negative, with 9 being absent, and accordingly this **RESOLUTION** was **FINALLY PASSED**, signed by the Speaker and sent to the Senate **ORDERED SENT FORTHWITH**.

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)

TABLED - January 25, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **FINAL PASSAGE**.

Representative CUMMINGS of Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 23

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Brannigan, Bryant-Deschenes, Hotham, Lerman, Norton, Rosen, Saviello, Stedman.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly this **RESOLUTION** was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Bill "An Act To Make Changes to the Pine Tree Development Zones"

(S.P. 147) (L.D. 449)

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 Improve the Role of Boards of Visitors for State Correctional Facilities"

(S.P. 141) (L.D. 417)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program"

(S.P. 142) (L.D. 444)

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 Amend the Laws Regarding Submission of Health Insurance Claims"

(S.P. 140) (L.D. 416)

Bill "An Act To Require Health Insurers To Cover the Costs of Hearing Aids"

(S.P. 145) (L.D. 447)

Bill "An Act To Require Health Insurers To Cover the Cost of Sign Language Interpreters for All Nonhospital Medical Appointments"

(S.P. 146) (L.D. 448)

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 Ensure Compliance with the Federal Indian Child Welfare Act"

(S.P. 139) (L.D. 415)

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

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

Bill "An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age"

(S.P. 143) (L.D. 445)

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

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

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 148) (L.D. 450)

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

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

Bill "An Act To Mandate Payment of Certified Deaf Interpreters for Driver Education Students"

(S.P. 144) (L.D. 446)

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

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

The following Joint Order: (S.P. 152)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 1, 2005, at 10:00 in the morning.

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

READ.

Representative TUTTLE of Sanford moved that the Joint Order be **INDEFINITELY POSTPONED**.

Representative CUMMINGS of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 24

YEA - Duprey, Hall.

NAY - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Brannigan, Bryant-Deschenes, Dugay, Eder, Faircloth, Hotham, Lerman, Makas, Norton, Perry, Rosen, Saviello, Stedman, Tuttle.

Yes, 2; No, 135; Absent, 14; Excused, 0.

2 having voted in the affirmative and 135 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE FAILED**.

Subsequently, the Joint Order was **PASSED** in concurrence.

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

On motion of Representative TUTTLE of Sanford, the House adjourned at 11:12 a.m., until 10:00 a.m., Tuesday, February 1, 2005, pursuant to the Joint Order (S.P. 152) and in honor and lasting tribute to Walter E. Shedd, of Mattawamkeag.