

# 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  
18th Legislative Day  
Thursday, February 24, 2005

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

Prayer by Father John W. Keegan, Cheverus High School, Portland.

National Anthem by Honorable Christian D. Greeley, Levant. Pledge of Allegiance.

The Journal of Tuesday, February 22, 2005 was read and approved.

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**SENATE PAPERS**

Bill "An Act To Recapitalize the Municipal Investment Trust Fund" (S.P. 284) (L.D. 871)

Bill "An Act To Authorize a General Fund Bond Issue for Certain State Parks" (S.P. 298) (L.D. 890)

Bill "An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation" (S.P. 299) (L.D. 891)

Bill "An Act Authorizing a General Fund Bond Issue To Improve Community Support Services for Persons with Mental Illness" (S.P. 315) (L.D. 907)

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.

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Bill "An Act To Modernize the Innkeeping Statutes" (S.P. 313) (L.D. 905)

Bill "An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists" (S.P. 314) (L.D. 906)

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.

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Bill "An Act To Change Mandatory Minimum Sentences in Certain Cases" (S.P. 301) (L.D. 893)

Bill "An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages" (S.P. 311) (L.D. 903)

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.

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Bill "An Act To Require All School Administrators To Spend Time Weekly in the Classroom with Students" (S.P. 291) (L.D. 883)

Bill "An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education" (S.P. 295) (L.D. 887)

Bill "An Act To Improve the Quality of Kindergarten Education in Maine" (S.P. 305) (L.D. 897)

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.

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Bill "An Act To Discourage Further the Sale of Tobacco to Minors" (S.P. 293) (L.D. 885)

Bill "An Act To Promote Parity in the Laws Governing Smoking in the Workplace" (S.P. 294) (L.D. 886)

Bill "An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce" (S.P. 300) (L.D. 892)

Bill "An Act To Create the Maine Asthma and Lung Disease Research Fund" (S.P. 312) (L.D. 904)

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.

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Bill "An Act To Prohibit Shooting Wild Turkey Decoys" (S.P. 317) (L.D. 942)

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.

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Bill "An Act To Require Health Insurers and Health Maintenance Organizations To Issue Uniform Prescription Drug Benefit Cards" (S.P. 296) (L.D. 888)

Bill "An Act To Preserve Dirigo Health" (S.P. 306) (L.D. 898)

Bill "An Act To Enhance the Supervisory Powers of the Department of Professional and Financial Regulation, Bureau of Financial Institutions" (S.P. 324) (L.D. 949)

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.

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Bill "An Act To Shelter IRAs from the Bankruptcy Law" (S.P. 323) (L.D. 948)

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

On motion of Representative BRAUTIGAM of Falmouth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Protect Motherhood"

(S.P. 292) (L.D. 884)

Bill "An Act To Require Guardians ad Litem To Receive Counseling Training"

(S.P. 302) (L.D. 894)

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

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

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Bill "An Act To Allow Assignment of Workers' Compensation Payments to 3rd Parties Providing Income Protection Benefits"

(S.P. 286) (L.D. 878)

Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases"

(S.P. 287) (L.D. 879)

Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments"

(S.P. 289) (L.D. 881)

Bill "An Act To Encourage State Employees To Continue Employment"

(S.P. 304) (L.D. 896)

Resolve, To Create a New Pension System for Newly Hired Teachers and State Employees

(S.P. 309) (L.D. 901)

Bill "An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey"

(S.P. 318) (L.D. 943)

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

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

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Bill "An Act To Ensure Fair Distribution of Matching Funds under the Maine Clean Election Act"

(S.P. 290) (L.D. 882)

Bill "An Act Regarding Independent Campaign Expenditures"

(S.P. 319) (L.D. 944)

Bill "An Act To Allow the Counting of Absentee Ballots prior to Election Day"

(S.P. 320) (L.D. 945)

Bill "An Act To Prohibit Petition Blockers from Polling Places"

(S.P. 321) (L.D. 946)

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.

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Bill "An Act To Expand the Authority of Maine's Lobster Management Policy Councils"

(S.P. 303) (L.D. 895)

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

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

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Bill "An Act To Prohibit Municipal Landfill Dumping"

(S.P. 288) (L.D. 880)

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

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

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Bill "An Act To Establish Moxie as Maine's Official Beverage"

(S.P. 27) (L.D. 85)

Bill "An Act To Create the County Government Capital Improvements Revolving Loan Fund"

(S.P. 297) (L.D. 889)

Bill "An Act To Require That Municipal and County Spending Be Tracked and Analyzed by the State Planning Office"

(S.P. 308) (L.D. 900)

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.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

(S.P. 310) (L.D. 902)

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

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

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Resolve, Directing the Department of Transportation To Erect Signs on the Maine Turnpike Directing Motorists to "Historic Downtown Saco"

(S.P. 307) (L.D. 899)

Bill "An Act To Clarify the Laws Regarding Motor Vehicle Title Applications"

(S.P. 322) (L.D. 947)

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

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

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**Non-Concurrent Matter**

Bill "An Act To Provide Greater Civil Relief Protection for Members of the Military"

(H.P. 610) (L.D. 859)

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on February 16, 2005.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 65)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON TAXATION**

February 15, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 264 An Act To Repeal the Property Tax Exemption for State and Municipal Property  
L.D. 306 An Act To Create the Family Technology Tax Credit

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Joseph Charles Perry  
Senate Chair  
S/Rep. Richard G. Woodbury  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 66)

**STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006**

February 22, 2005

The Honorable John Richardson  
Speaker of the House  
122nd Maine Legislature  
2 State House Station  
Augusta, ME 04333

The Honorable Beth Edmonds  
Senate President  
122nd Maine Legislature  
3 State House Station  
Augusta, ME 04333

Re: Petroleum Market Share Act/Annual Report to the Legislature

Dear Speaker Richardson and President Edmonds:

Enclosed, in accordance with the provisions of 10 M.R.S.A. § 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any questions in this regard.

Sincerely,  
S/Francis Ackerman  
Chief, Public Protection Division

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

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**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**

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Develop a Plan To Create a Regional Recreation Center in the Town of Blue Hill

(H.P. 669) (L.D. 959)

Sponsored by Representative SCHATZ of Blue Hill.

Cosponsored by Senator DAMON of Hancock and Representatives: KOFFMAN of Bar Harbor, PARADIS of Frenchville, PILON of Saco, PINGREE of North Haven.

Bill "An Act To Establish the Agricultural Water Management Fund"

(H.P. 671) (L.D. 961)

Sponsored by Representative LUNDEEN of Mars Hill.

Cosponsored by Representatives: FLOOD of Winthrop, JENNINGS of Leeds, JODREY of Bethel, PINEAU of Jay, PIOTTI of Unity, Senator: RAYE of Washington.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Governing Dogs at Large"

(H.P. 677) (L.D. 967)

Sponsored by Representative BRYANT of Windham. (BY REQUEST)

Bill "An Act To Fight Sprawl and Ensure That Public Lands Are Equitably Distributed"

(H.P. 701) (L.D. 1017)

Sponsored by Representative JOY of Crystal.

Cosponsored by Representatives: HOTHAM of Dixfield, JACOBSEN of Waterboro, McFADDEN of Dennysville, PINKHAM of Lexington Township, SYKES of Harrison, VAUGHAN of Durham.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Provide Funding To Cover the Costs of Mailings to Armed Forces Personnel Stationed Overseas" (EMERGENCY)

(H.P. 668) (L.D. 958)

Sponsored by Representative FISCHER of Presque Isle.

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development"

(H.P. 679) (L.D. 969)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator ROSEN of Hancock and Representatives: PERCY of Phippsburg, RECTOR of Thomaston, WATSON of Bath, Senators: COWGER of Kennebec, MILLS of Somerset.

Bill "An Act To Authorize a General Fund Bond Issue for Shared-use Trails"

(H.P. 681) (L.D. 971)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Senator DAMON of Hancock and Representatives: BARSTOW of Gorham, CUMMINGS of Portland, FISCHER of Presque Isle, KAELIN of Winterport, WOODBURY of Yarmouth, Senators: President EDMONDS of Cumberland, ROSEN of Hancock, TURNER of Cumberland.

Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

(H.P. 685) (L.D. 975)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by Senator BROMLEY of Cumberland and Representatives: GROSE of Woolwich, HARLOW of Portland, NORTON of Bangor, RECTOR of Thomaston, Speaker RICHARDSON of Brunswick, SMITH of Monmouth, Senator: DOW of Lincoln.

Bill "An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy"

(H.P. 704) (L.D. 1020)

Sponsored by Representative SMITH of Monmouth. (GOVERNOR'S BILL)

Cosponsored by Representatives: BEAUDETTE of Biddeford, JACOBSEN of Waterboro, O'BRIEN of Lewiston, RECTOR of Thomaston, Speaker RICHARDSON of Brunswick, Senators: BRYANT of Oxford, DOW of Lincoln.

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**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Prevent Identity Theft"

(H.P. 666) (L.D. 956)

Sponsored by Representative FARRINGTON of Gorham.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BARSTOW of Gorham, BERUBE of Lisbon, CLARK of Millinocket, HOGAN of Old Orchard Beach, PILON of Saco.

Bill "An Act To Limit Faxes from Telemarketers"

(H.P. 667) (L.D. 957)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator WOODCOCK of Franklin and Representatives: AUSTIN of Gray, BLANCHARD of Old Town, DRISCOLL of Westbrook, FARRINGTON of Gorham, LANSLEY of Sabattus, MERRILL of Appleton, RECTOR of Thomaston, WOODBURY of Yarmouth.

Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones

(H.P. 674) (L.D. 964)

Sponsored by Representative MOODY of Manchester.

Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State

(H.P. 698) (L.D. 1014)

Sponsored by Representative AUSTIN of Gray.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BRYANT-DESCHENES of Turner, COLLINS of Wells, HAMPER of Oxford, JACOBSEN of Waterboro, LANSLEY of Sabattus, MCKANE of Newcastle, MCKENNEY of Cumberland, VAUGHAN of Durham.

Resolve, To Increase Small Business Access to State Contracts

(H.P. 699) (L.D. 1015)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator DOW of Lincoln and Representatives: ASH of Belfast, BEAUDETTE of Biddeford, BERUBE of Lisbon, BRAUTIGAM of Falmouth, FARRINGTON of Gorham, GROSE of Woolwich, JACOBSEN of Waterboro, SCHATZ of Blue Hill.

Bill "An Act Regarding Dental Hygienists and Public Health Supervision Status"

(H.P. 700) (L.D. 1016)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator DOW of Lincoln and Representatives: BEAUDETTE of Biddeford, BERUBE of Lisbon, BLISS of South Portland, RINES of Wiscasset.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Improve Sentencing for Serious Offenders"

(H.P. 680) (L.D. 970)

Sponsored by Representative GREELEY of Levant.

Bill "An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel"

(H.P. 702) (L.D. 1018)

Sponsored by Representative SYKES of Harrison.

Cosponsored by Representatives: CHURCHILL of Washburn, GREELEY of Levant, RICHARDSON of Skowhegan, Senator: SNOWE-MELLO of Androscoggin.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Fund Youth Mentoring Programs"

(H.P. 689) (L.D. 979)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by President EDMONDS of Cumberland and Representatives: CAIN of Orono, Speaker RICHARDSON of Brunswick, Senator: MAYO of Sagadahoc.

Bill "An Act To Change the Name of the Governor Baxter School for the Deaf"

(H.P. 691) (L.D. 981)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Representatives: FISCHER of Presque Isle, SMITH of Monmouth.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act To Make Fairs and Festivals Safer for Children"

(H.P. 664) (L.D. 954)

Sponsored by Representative BOWEN of Rockport.

Bill "An Act To Improve Access to Ambulatory Diabetes Education and Follow-up"

(H.P. 697) (L.D. 1013)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator COWGER of Kennebec and Representatives: CAMPBELL of Newfield, CARR of Lincoln, MILLER of Somerville, PINEAU of Jay, PINGREE of North Haven, RINES of Wiscasset, Senators: MAYO of Sagadahoc, ROSEN of Hancock.

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**INLAND FISHERIES AND WILDLIFE**

Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks

(H.P. 663) (L.D. 953)

Sponsored by Representative MOODY of Manchester.

Bill "An Act To Enhance the Safety of Whitewater Rafters" (EMERGENCY)

(H.P. 686) (L.D. 976)

Sponsored by Representative FLETCHER of Winslow.

Bill "An Act To Create a Civil Violation for Operating a Snowmobile Left of Center"

(H.P. 687) (L.D. 977)

Sponsored by Representative TRAHAN of Waldoboro.

Bill "An Act To Distribute Fees from All-terrain Vehicle Registrations" (EMERGENCY)

(H.P. 690) (L.D. 980)

Sponsored by Representative MOODY of Manchester.  
Cosponsored by Representative FINCH of Fairfield.

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**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules"

(H.P. 676) (L.D. 966)

Sponsored by Representative FISCHER of Presque Isle.  
Cosponsored by Senator MAYO of Sagadahoc and Representatives: LINDELL of Frankfort, PERRY of Calais, Senator: MILLS of Somerset.

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**JUDICIARY**

Bill "An Act To Prevent the Financial Exploitation of Vulnerable Citizens"

(H.P. 665) (L.D. 955)

Sponsored by Representative FARRINGTON of Gorham.  
Cosponsored by Senator BARTLETT of Cumberland and Representative: BARSTOW of Gorham, Senator: BROMLEY of Cumberland.

Bill "An Act To Make Certain Changes in the Laws Concerning the Family Division of District Court"

(H.P. 683) (L.D. 973)

Sponsored by Representative TARDY of Newport.  
Cosponsored by Senator HOBBS of York and Representative: SHERMAN of Hodgdon.

Bill "An Act To Amend the Guidelines Used To Determine Child Support Payments"

(H.P. 684) (L.D. 974)

Sponsored by Representative CURLEY of Scarborough.  
Cosponsored by Senator ROSEN of Hancock.

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Bill "An Act To Improve Security at State Courthouses"

(H.P. 696) (L.D. 1012)

Sponsored by Representative PELLETIER-SIMPSON of Auburn.  
Cosponsored by Senator STRIMLING of Cumberland and Representatives: DUDLEY of Portland, FAIRCLOTH of Bangor, GERZOFKY of Brunswick, HUTTON of Bowdoinham.

Committee on **JUDICIARY** suggested.

On motion of Representative PELLETIER-SIMPSON of Auburn, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

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**LABOR**

Bill "An Act To Codify Unallocated Law Regarding the Maine State Retirement System"

(H.P. 672) (L.D. 962)

Sponsored by Representative TUTTLE of Sanford.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Set Standards for Electronic Methods Used for Wage Payment"

(H.P. 673) (L.D. 963)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BIERMAN of Sorrento, COLLINS of Wells, EDER of Portland, KOFFMAN of Bar Harbor, McKANE of Newcastle, SAVIELLO of Wilton, WEBSTER of Freeport, Senator: STRIMLING of Cumberland.  
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Allow State Employees To Participate in a Deferred Retirement Option Program"

(H.P. 688) (L.D. 978)

Sponsored by Representative LERMAN of Augusta.  
Cosponsored by Representative: DUPLESSIE of Westbrook.

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**STATE AND LOCAL GOVERNMENT**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process

(H.P. 678) (L.D. 968)

Sponsored by Representative CRESSEY of Cornish.

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**TAXATION**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide a \$5,000 Property Tax Exemption to Veterans, Regardless of Home Value

(H.P. 675) (L.D. 965)

Sponsored by Representative PINEAU of Jay.  
Cosponsored by Senator WOODCOCK of Franklin and Representatives: BOWLES of Sanford, CUMMINGS of Portland, DUPLESSIE of Westbrook, RICHARDSON of Greenville, TARDY of Newport, WHEELER of Kittery, Senators: DAVIS of Piscataquis, GAGNON of Kennebec.

Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax"

(H.P. 682) (L.D. 972)

Sponsored by Representative EBERLE of South Portland.  
Cosponsored by Senator DAVIS of Piscataquis and Representatives: BLANCHARD of Old Town, CUMMINGS of Portland, DAIGLE of Arundel, FLOOD of Winthrop, McKENNEY of Cumberland, PINEAU of Jay, Senators: BRENNAN of Cumberland, ROSEN of Hancock.

Bill "An Act To Increase the Tax Imposed on Lodging"

(H.P. 703) (L.D. 1019)

Sponsored by Representative PILON of Saco.  
Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, BEAUDETTE of Biddeford, HARLOW of Portland, Senator: SULLIVAN of York.

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**TRANSPORTATION**

Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State

(H.P. 670) (L.D. 960)

Sponsored by Representative WOODBURY of Yarmouth.  
Cosponsored by Representative: MARLEY of Portland.

**UTILITIES AND ENERGY**

Bill "An Act To Revise the Charter of the Kennebunk Sewer District"

(H.P. 692) (L.D. 982)

Sponsored by Representative **BABBIDGE** of Kennebunk.  
Cosponsored by Senator **SULLIVAN** of York and Representatives: **BURNS** of Berwick, **COLLINS** of Wells, **DAIGLE** of Arundel, **DAVIS** of Falmouth, **MAKAS** of Lewiston, **O'BRIEN** of Lewiston, **SEAVEY** of Kennebunkport, **WHEELER** of Kittery.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative **BLANCHETTE** for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Make Technical Changes to the Maine Criminal Code"

(H.P. 693) (L.D. 983)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative **BLANCHETTE** for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Amend the Crime of Escape"

(H.P. 694) (L.D. 984)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative **PELLETIER-SIMPSON** for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Amend Appellate Review Jurisdiction of the Superior Court"

(H.P. 695) (L.D. 985)

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

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

On motion of Representative **PELLETIER-SIMPSON** of Auburn, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

**ORDERS**

On motion of Representative **WHEELER** of Kittery, the following House Order: (H.O. 25)

**ORDERED**, that Representative Joseph C. Brannigan of Portland be excused Wednesday, February 16th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Harold Ian Emery of Cutler be excused Tuesday, February 8th, Thursday, February 10th and Tuesday, February 15th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Gary W. Moore of Standish be excused Thursday, February 10th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Roberta M. Muse of Fryeburg be excused Tuesday, February 22nd for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Rosaire Ross Paradis, Jr. of Frenchville be excused Wednesday, February 16th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Gary E. Plummer of Windham be excused Wednesday, February 16th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative James M. Schatz of Blue Hill be excused Wednesday, February 16th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Nancy E. Smith of Monmouth be excused Tuesday, February 15th and Wednesday, February 16th for legislative business.

**READ** and **PASSED**.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Reverend John W. Keegan, S.J., of Portland, who is retiring as President of Cheverus High School at the end of the 2004-05 school year. He has served as President of the Jesuit college preparatory high school for a combined total of 20 years. Father Keegan has overseen the doubling of the school's enrollment, its transition to a coed institution and a huge campus expansion. We congratulate Father Keegan on his many successes at Cheverus High School and extend our best wishes to him on his future endeavors;

(HLS 103)

Presented by Representative **HARLOW** of Portland.  
Cosponsored by Senator **BARTLETT** of Cumberland, Senator **BRENNAN** of Cumberland, Senator **BROMLEY** of Cumberland, Senator **DIAMOND** of Cumberland, President **EDMONDS** of Cumberland, Senator **STRIMLING** of Cumberland, Senator **TURNER** of Cumberland, Representative **ADAMS** of Portland, Representative **AUSTIN** of Gray, Representative **BARSTOW** of Gorham, Representative **BLISS** of South Portland, Representative **BRANNIGAN** of Portland, Representative **BRAUTIGAM** of Falmouth, Representative **BRYANT** of Windham, Representative **CEBRA** of Naples, Representative **CLOUGH** of Scarborough, Representative **CRESSEY** of Cornish, Representative **CUMMINGS** of Portland, Representative **CURLEY** of Scarborough, Representative **DAVIS** of Falmouth, Representative **DRISCOLL** of Westbrook, Representative **DUDLEY** of Portland, Representative **DUPLESSIE** of Westbrook, Representative **EBERLE** of South Portland, Representative **EDER** of Portland, Representative **FARRINGTON** of Gorham,



Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GROSE of Woolwich, Representative MARLEY of Portland, Representative McKENNEY of Cumberland, Representative MOORE of Standish, Representative PERCY of Phippsburg, Representative PLUMMER of Windham, Speaker RICHARDSON of Brunswick, Representative ROBINSON of Raymond, Representative SYKES of Harrison, Representative VAUGHAN of Durham, Representative WEBSTER of Freeport, Representative WOODBURY of Yarmouth.

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

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: I would like to first say some things about Father Keegan. He is not only the president of Cheverus but he is a priest also, and I think he would rather be known as a priest. He's been a priest for 46 years. That is longer than a lot of us have been alive, not me. He served two terms at Cheverus. The interesting thing about both his terms was when he left; he left it in a much better state. He's recognized in the community of Portland as a very religious young man and a very sincere man of great conviction.

In his term as a President of Cheverus he has been responsible for the education of 2000 leaders. Interestingly enough - and this should interest a lot of the members of the House of Representatives - in that period he saved the State of Maine 100 million dollars, in today's dollars because not a dime comes from state funding for Cheverus. His foresight and leadership is evident in the courage and commitment he took in introducing Cheverus as a coed school, which at the time was not a popular idea. However, today I would say that almost everybody, if not everybody supports the idea if they have seen it work. Cheverus will miss you very much Father Keegan. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to take this opportunity to wish Father Keegan the best in his retirement and to say thank you for extending the Catholic values and I think the very human values of fairness, integrity, and a desire to win at sports. Although many times our local public school teams lost to you, you always showed graciousness in defeat and victory and most importantly I think for me is that you held the Catholic notion that the vulnerable among us deserve the most respect and I thank you for that.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Curley.

Representative **CURLEY**: Mr. Speaker, Men and Women of the House. What a pleasure today to say congratulations and thank you to Father Keegan. On a personal note, some of my children went to Cheverus and one of them needed it more than the others. He was wonderful student, but most of the pleasure he had in middle school was sort of living on the edge and enjoying life to the fullest. When he went to Cheverus he was in honors courses and AP courses and did very well, but his comment at home was interesting and it really exemplified Father Keegan's leadership. He said, "Mom you know, I know I'm a good student and I do well, but something about being with father Keegan makes me really want to be the best person that I can be." What a wonderful message that Father Keegan has sent and lived - service for others, people for others - we can't ask for

more than that. We can only aspire to be as good a role model as Father John Keegan. Thank you.

**SPEAKER**: The Chair would like to recognize on the rostrum Father Keegan, please stand and accept the greetings of the House.

**FATHER KEEGAN**: I'd just like to take a moment to say a word of thanks and express my gratitude to Representative Harlow, Representative Cummings and Representative Curley. It's been a pleasure for me to serve at Cheverus High School for these years. My hope is that after a few months of R&R I'll be back in the great state of Maine, hopefully around Portland, serving in a parish or doing some other similar work. I love Maine, I love the people of Maine, I love particularly the students of Cheverus and it's been a pleasure for me to be with you. God bless you all. Thank you very, very much!

Subsequently **PASSED** and sent for concurrence.

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**In Memory of:**

Ruth Farabee Clark, of Durham, beloved wife, mother, friend, actress and inspiration to all who knew her by her well-earned nickname, "Lady Sunshine." Diagnosed with juvenile diabetes at age 11, for 40 years she proudly devoted her professional and personal energies to education and advocacy about diabetes research, organ donation and conquering chronic illness with the force of faith, joy and life. A 4th-generation Floridian, she graduated from Florida Southern College in 1972 and was named its Distinguished Alumni for Service to Humanity in 1985. In 1983 she was chosen Outstanding Young Woman of the Year by the Greater Portland Women Jaycees. An officer of the Maine Center for the Blind and Visually Impaired, she was a founding trustee of the National Kidney Foundation of Maine and served as its president from 1990-1993. An enthusiastic athlete, she attended the United States and World Transplant Olympics, earning 39 medals in swimming, shot put and running. A gifted singer and actress, she performed in scores of Maine theater productions and served on the Board of Lyric Music Theater. As one of the first United States recipients of a successful live donor kidney transplant in 1979, she entranced audiences across the United States and Canada with her presentations about life, faith and family. She will be fondly remembered by her loving family, many friends and all who were inspired by her call to "Fill Every Minute";

(HLS 123)

Presented by Representative ADAMS of Portland. Cosponsored by Representative WEBSTER of Freeport, Representative BRANNIGAN of Portland, Representative VAUGHAN of Durham, Senator SNOWE-MELLO of Androscoggin.

On **OBJECTION** of Representative WEBSTER of Freeport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Mr. Speaker, Ladies and Gentlemen of the House, I rise today to speak of my friend, Ruth Farabee Clark. Representative Adams wrote today in memory of Ruth and this gives you some idea of the depth and breadth of the influence she had on so many people and communities. At her memorial service, many of us finally realized how many people and communities Ruth influenced with her passion for faith, joy and love of life. She was known as Miss Sunshine by some - I sometimes thought her nickname should be Miss the Bright Yellow Earth Mover for it did seem at times that she could move Heaven and Earth.

I've known Ruth for a number of years, as an actress in community theatre and also for her involvement in community life. I feel very fortunate to have taken time to know her and her worldwide and local civic work. She was a force for good and light – she was passionate about community, and about people and about laughter. One of her last requests was that at her memorial service people wear bright colors and celebrate. Her second from last performance as an actress was in My Fair Lady as Representative Adams mother, a fact, which they both thought was quite a laugh. Her final stage performance was in Steel Magnolias as Lisa the cranky, old character, but behind the scenes she ensured the play was about childhood diabetes, raised awareness and funds for the National Kidney Foundation of Maine for the Transplant Olympic Team.

Ruth was a living transplant recipient and only decided to embrace her final goodbyes when her second donated kidney gave up. It gave up long before Ruth would. Among the stories about Ruth I will recall will be the story of her lying in bed in her last days and singing favorite old songs in harmony with her sister. But the picture I will hold most for myself, will be with Ruth on Election Day 2004. She had agreed to help Ellen, a lovely elderly woman to cast an absentee ballot. I gave Ruth directions to Ellen's home, which was on a back road in Freeport. Little did I know that Ruth could have one other nickname, Miss Cannot Fail to Get Lost While Driving Her Car Somewhere New. On Election Day I noticed her come and go from the polls several times until finally she headed from the polling place straight toward me. Thumping along with a cast on one leg, and carefully dressed up for the serious civic business of helping someone vote - a portfolio and a clutch of papers in a hand and with a glint in her eye and a smile on her face - she explained that it took her three tries to find Ellen's home but she was bound and determined to get this done.

David, I made sure she got to vote, I got lost, then I had the wrong paperwork, but I was raised as my daddy's daughter. He was a preacher and worked for years in the civil rights movement to help people get to vote who had been denied the right before. Mrs. Ellen wanted to vote and David there was no way I would let her down. Next week I'm going back for lunch.

Ruth was a magnet for light and held a torch for what was right and good. She actually carried the Olympic Torch as it passed through Maine last year. But now her light has been passed on and we are called, you and I, to turn up the brightness of our own light and to fill the void left by her passing, my friend, Ruth Farabee Clark.

Subsequently **ADOPTED** and sent for concurrence.

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#### ORDERS

On motion of Representative CUMMINGS of Portland, the following Joint Order: (H.P. 705)

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Tuesday, March 1, 2005, at 10 o'clock in the a morning.

**READ and PASSED.**

Sent for concurrence.

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

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On motion of Representative WEBSTER of Freeport, the House adjourned at 11:00 a.m., until 10:00 a.m., Tuesday, March

1, 2005 pursuant to the Joint Order (H.P. 705) and in honor and lasting tribute to Ruth Farabee Clark, of Durham, James K. Pottle, of Perry and the Reverend Chandler M. Holmes, of North Waterboro.

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST REGULAR SESSION  
19th Legislative Day  
Tuesday, March 1, 2005

Representative CLARK of Millinocket assumed the Chair.

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

Prayer by Honorable Henry L. Joy, Crystal.

Pledge of Allegiance.

The Journal of Thursday, February 24, 2005 was read and approved.

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On motion of Representative ADAMS of Portland, the House adjourned at 12:28 p.m., until 9:00 a.m., Wednesday, March 2, 2005.