

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
20th Legislative Day
Tuesday, March 2, 2005

(S.P. 350) (L.D. 1010)

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.

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

Prayer by Dr. Robert H. Crosthwaite, Pastor, Faith Community Fellowship, Ellsworth.

National Anthem by Ali, Susie and Jill Stauble, Westbrook High School.

Pledge of Allegiance.

Doctor of the day, James Pisini, D.O., Cumberland Foreside.

The Journal of yesterday was read and approved.

Resolve, To Study the Insured Value Factor in School Tuition
(S.P. 329) (L.D. 989)

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.

SENATE PAPERS

Bill "An Act To Transfer Responsibility of Potato Marketing Matters to the Maine Potato Board"

(S.P. 342) (L.D. 1002)

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

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

Bill "An Act To Allow the Shipment of Cigars into Maine"

(S.P. 325) (L.D. 950)

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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 Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories"

(S.P. 337) (L.D. 997)

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System"

(S.P. 339) (L.D. 999)

Bill "An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries"

(S.P. 340) (L.D. 1000)

Bill "An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint"

(S.P. 341) (L.D. 1001)

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 Amend Certain Fish and Wildlife Laws"

(S.P. 344) (L.D. 1004)

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 Amend the Maine Revised Uniform Limited Partnership Act"

(S.P. 326) (L.D. 986)

Bill "An Act To Modify Joint and Several Liability"

(S.P. 346) (L.D. 1006)

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 Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004"

(S.P. 335) (L.D. 995)

Resolve, Establishing the Commission To Study Medical Expenses Under the Maine Workers' Compensation Act of 1992 (EMERGENCY)

(S.P. 336) (L.D. 996)

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

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

Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code

(S.P. 333) (L.D. 993)

Bill "An Act To Increase Access to Dental Care by Accepting All Regional Board Examinations for Initial Licensure of Dentists"

(S.P. 334) (L.D. 994)

Bill "An Act To Modify the Transition Provision for Renewal of Social Worker Licenses" (EMERGENCY)

Bill "An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores"

(S.P. 347) (L.D. 1007)

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 Restore Municipal Authority To Review Development Using Flexible Standards" (S.P. 331) (L.D. 991)
Bill "An Act To Reform County Governance" (S.P. 332) (L.D. 992)
Bill "An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee" (S.P. 343) (L.D. 1003)
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.

Resolve, To Allow the Somerset County Jail To Be Built within One Mile of the County Seat (EMERGENCY) (S.P. 330) (L.D. 990)
Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.
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.

Resolve, Directing the Bureau of Revenue Services To Review the Law Governing the Taxation of Corporate Income (S.P. 327) (L.D. 987)
Bill "An Act To Amend the Maine Tree Growth Tax Law" (S.P. 328) (L.D. 988)
RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residency of the Owner (S.P. 349) (L.D. 1009)
Bill "An Act To Establish the Maine Taxpayers' Bill of Rights" (S.P. 351) (L.D. 1011)
Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.
REFERRED to the Committee on **TAXATION** in concurrence.

Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts (S.P. 348) (L.D. 1008)
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.

Non-Concurrent Matter

Bill "An Act To Promote Green Power Use at State Buildings" (H.P. 632) (L.D. 913)
REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on February 22, 2005.
Came from the Senate **REFERRED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.
The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 67)

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

February 22, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 335 An Act To Clarify the Definition of "Eligible Group" in Small Group Health Insurance Plans

We have also notified the sponsor and cosponsors of the Committee's action.
Sincerely,
S/Sen. Nancy B. Sullivan
Senate Chair
S/Rep. Anne C. Perry
House Chair
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 68)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR

February 22, 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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 156 An Act To Adjust the Wage Base for the Unemployment Compensation System

We have also notified the sponsor and cosponsors of the Committee's action.
Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. William J. Smith
House Chair
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 69)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

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 State and Local Government has

voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 222 An Act To Undedicate County Fees for Recording Deeds

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 70)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 22, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 193 An Act To Strengthen Wildlife Habitat Protection

L.D. 342 An Act To Encourage Reuse of Glass Bottles

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

Sincerely,
S/Sen. Scott W. Cowger
Senate Chair
S/Rep. Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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 Amend the Law Regarding State Milk Payments"

(H.P. 723) (L.D. 1070)

Sponsored by Representative PIOTTI of Unity.

Resolve, To Establish a North Woods Park Feasibility Study

(H.P. 742) (L.D. 1089)

Sponsored by Representative EDER of Portland. (BY REQUEST)

Bill "An Act To Amend Certain Animal Health Laws"

(H.P. 759) (L.D. 1106)

Sponsored by Representative TWOMEY of Biddeford.
Cosponsored by Representatives: JODREY of Bethel, MAREAN of Hollis.

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

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program"

(H.P. 720) (L.D. 1035)

Sponsored by Representative FISCHER of Presque Isle. (GOVERNOR'S BILL)

Cosponsored by Senator BRYANT of Oxford and Representative: DUDLEY of Portland, Senator: MARTIN of Aroostook.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget

(H.P. 762) (L.D. 1109)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Representative CRESSEY of Cornish, Senators: COURTNEY of York, DAVIS of Piscataquis, MILLS of Somerset, NASS of York, SNOWE-MELLO of Androscoggin, Senator WESTON of Waldo and Representatives: BOWEN of Rockport, CAMPBELL of Newfield, CURLEY of Scarborough, DUPREY of Hampden, FLOOD of Winthrop, LEWIN of Eliot, MILLETT of Waterford, TRAHAN of Waldoboro.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act Requiring Stores of 500 Square Feet To Make Existing Bathroom Facilities Available for Public Use"

(H.P. 708) (L.D. 1023)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Representatives: JACKSON of Fort Kent, JENNINGS of Leeds, MAKAS of Lewiston, PATRICK of Rumford.

Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones

(H.P. 731) (L.D. 1078)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator HOBBS of York and Representatives: BEAUDETTE of Biddeford, CUMMINGS of Portland, DUPLESSIE of Westbrook, FARRINGTON of Gorham, JACOBSEN of Waterboro, O'BRIEN of Lewiston, SMITH of Monmouth.

Bill "An Act To Amend the Definition of 'Funeral Establishment'"

(H.P. 736) (L.D. 1083)

Sponsored by Representative MILLS of Farmington.

Cosponsored by Representative: SAVIELLO of Wilton, Senator: WOODCOCK of Franklin.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Strengthen the OUI Laws"

(H.P. 767) (L.D. 1114)

Sponsored by Representative NASS of Acton.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BROWN of South Berwick, CARR of Lincoln, DAVIS of Augusta, MARLEY of Portland, PINEAU of Jay.

Bill "An Act To Establish Owner Liability for Failure To Stop for a Police Officer"

(H.P. 774) (L.D. 1121)

Sponsored by Representative FISCHER of Presque Isle.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Make Safer Schools"

(H.P. 709) (L.D. 1024)

Sponsored by Representative DAVIS of Falmouth.

Cosponsored by Representative: NORTON of Bangor.

Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System"

(H.P. 715) (L.D. 1030)

Sponsored by Representative NORTON of Bangor.

Cosponsored by Representatives: CAIN of Orono, GOLDMAN of Cape Elizabeth.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Funding of Local Schools

(H.P. 716) (L.D. 1031)

Sponsored by Representative VAUGHAN of Durham.

Resolve, Directing the Department of Education To Review Specific Testing Requirements for Student Advancement

(H.P. 741) (L.D. 1088)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Arrostook and Representatives: CUMMINGS of Portland, DAVIS of Falmouth, EDGEComb of Caribou, FINCH of Fairfield, GOLDMAN of Cape Elizabeth, NORTON of Bangor, Senator: BRYANT of Oxford.

HEALTH AND HUMAN SERVICES

Bill "An Act To Prevent Lead Poisoning of Children and Adults"

(H.P. 719) (L.D. 1034)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: CUMMINGS of Portland, FAIRCLOTH of Bangor, MILLER of Somerville, PATRICK of Rumford, PINGREE of North Haven, Senators: BRENNAN of Cumberland, MILLS of Somerset, ROSEN of Hancock.

Bill "An Act To Require Health Care Providers To Contain Costs"

(H.P. 725) (L.D. 1072)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BRAUTIGAM of Falmouth, CRAVEN of Lewiston, EBERLE of South Portland, MAKAS of Lewiston, O'BRIEN of Lewiston, SAMPSON of Auburn, WALCOTT of Lewiston, Senator: GAGNON of Kennebec.

Bill "An Act To Protect Maine Foster and Adoptive Parents"

(H.P. 761) (L.D. 1108)

Sponsored by Representative VAUGHAN of Durham.

Bill "An Act Regarding the Reporting of Abuse and Neglect"

(H.P. 773) (L.D. 1120)

Sponsored by Representative GROSE of Woolwich.

Cosponsored by Representatives: ASH of Belfast, BRYANT of Windham, CAMPBELL of Newfield, CRAVEN of Lewiston, JENNINGS of Leeds, LUNDEEN of Mars Hill, MILLER of Somerville, TWOMEY of Biddeford.

Committee on HEALTH AND HUMAN SERVICES suggested.

On motion of Representative PINGREE of North Haven, the Bill was REFERRED to the Committee on JUDICIARY, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild"

(H.P. 746) (L.D. 1093)

Sponsored by Representative EDER of Portland.

Bill "An Act To Alter the Slot Limit Restriction for Fishing"

(H.P. 748) (L.D. 1095)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Representatives: GERZOFKY of Brunswick, LUNDEEN of Mars Hill, SMITH of Van Buren, WHEELER of Kittery, Senator: PERRY of Penobscot.

Bill "An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine"

(H.P. 757) (L.D. 1104)

Sponsored by Representative KOFFMAN of Bar Harbor.

JUDICIARY

Bill "An Act To Expedite the Divorce Process in Instances of Domestic Violence"

(H.P. 710) (L.D. 1025)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator DIAMOND of Cumberland and Senator: MILLS of Somerset.

Bill "An Act To Require That a Person Arrested on a Domestic Violence Charge Be Held for at Least 4 Hours before Being Released on Bail"

(H.P. 712) (L.D. 1027)

Sponsored by Representative PELLETIER-SIMPSON of Auburn. Cosponsored by Senator SULLIVAN of York and Representatives: CANAVAN of Waterville, CARR of Lincoln, DUDLEY of Portland, GROSE of Woolwich, LORING of the Penobscot Nation, SHERMAN of Hodgdon, WATSON of Bath, Senator: HASTINGS of Oxford.

Resolve, Directing the Family Law Advisory Commission To Study the Child Protection Process

(H.P. 726) (L.D. 1073)

Sponsored by Representative VAUGHAN of Durham.

Under suspension of the rules, cosponsored by Senator WOODCOCK of Franklin and Representatives: CAMPBELL of Newfield, CROSTHWAITE of Ellsworth, DUGAY of Cherryfield, GLYNN of South Portland, LEWIN of Eliot, LINDELL of Frankfort, LORING of the Penobscot Nation, MOULTON of York, NASS of Acton, PERRY of Calais, PILON of Saco, Senators: RAYE of Washington, ROSEN of Hancock, SULLIVAN of York.

Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"

(H.P. 732) (L.D. 1079)

Sponsored by Representative JACOBSEN of Waterboro.

Cosponsored by Senator COURTNEY of York and Representatives: BROWN of South Berwick, COLLINS of Wells, CRESSEY of Cornish, McLEOD of Lee, NASS of Acton, NUTTING of Oakland, TUTTLE of Sanford.

Bill "An Act To Make Dormancy Fees on Gift Cards Illegal"

(H.P. 737) (L.D. 1084)

Sponsored by Representative VALENTINO of Saco.

Cosponsored by Representatives: DUPLESSIE of Westbrook, PLUMMER of Windham, Senator GAGNON of Kennebec and Representatives: MARLEY of Portland, PELLETIER-SIMPSON of Auburn, THOMPSON of China, Senator: HOBBS of York.

Bill "An Act To Facilitate Voting by Participants in the Address Confidentiality Program"

(H.P. 768) (L.D. 1115)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, DAVIS of Falmouth, GROSE of Woolwich, HOTHAM of Dixfield, HUTTON of Bowdoinham, NASS of Acton, SMITH of Monmouth, Senator: HOBBS of York.

LABOR

Bill "An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan"

(H.P. 733) (L.D. 1080)

Sponsored by Representative MILLS of Farmington.

Cosponsored by Senator WOODCOCK of Franklin.

Bill "An Act To Promote Stability in Labor Relations"

(H.P. 776) (L.D. 1123)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, NORTON of Bangor, PINEAU of Jay, Senator: GAGNON of Kennebec.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines"

(H.P. 711) (L.D. 1026)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by President EDMONDS of Cumberland and Representatives: BOWEN of Rockport, BRAUTIGAM of Falmouth, KOFFMAN of Bar Harbor, PATRICK of Rumford, PERCY of Phippsburg, SCHATZ of Blue Hill, Senators: GAGNON of Kennebec, MILLS of Somerset.

Bill "An Act To Implement Fusion Voting in Maine"

(H.P. 718) (L.D. 1033)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock and Representatives: KOFFMAN of Bar Harbor, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PIOTTI of Unity, SAMPSON of Auburn, SCHATZ of Blue Hill, Senator: GAGNON of Kennebec.

Bill "An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees"

(H.P. 728) (L.D. 1075)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator COWGER of Kennebec and Representatives: ANNIS of Dover-Foxcroft, BISHOP of Boothbay, CLARK of Millinocket, DUCHESNE of Hudson,

FLETCHER of Winslow, KOFFMAN of Bar Harbor, SHERMAN of Hodgdon, THOMPSON of China.

Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol"

(H.P. 738) (L.D. 1085)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BROWN of South Berwick, GERZOFKY of Brunswick, HOTHAM of Dixfield, PATRICK of Rumford, VALENTINO of Saco, Senator: GAGNON of Kennebec.

Bill "An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places"

(H.P. 740) (L.D. 1087)

Sponsored by Representative EDER of Portland.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County

(H.P. 752) (L.D. 1099)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator PERRY of Penobscot and Representatives: BISHOP of Boothbay, BROWNE of Vassalboro, DAIGLE of Arundel, DUCHESNE of Hudson, FLETCHER of Winslow, SHERMAN of Hodgdon, STEDMAN of Hartland, THOMPSON of China.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years

(H.P. 764) (L.D. 1111)

Sponsored by Representative PARADIS of Frenchville.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: COLLINS of Wells, CUMMINGS of Portland, DAVIS of Falmouth, DUPLESSIE of Westbrook, HOTHAM of Dixfield, PILON of Saco, PINGREE of North Haven, Speaker RICHARDSON of Brunswick.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years

(H.P. 765) (L.D. 1112)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BROWN of South Berwick, CANAVAN of Waterville, GERZOFKY of Brunswick, HOTHAM of Dixfield, PATRICK of Rumford, VALENTINO of Saco, Senators: BRYANT of Oxford, GAGNON of Kennebec.

Bill "An Act To Protect Children Left Unattended at Gambling Establishments"

(H.P. 770) (L.D. 1117)

Sponsored by Representative CURLEY of Scarborough.

Cosponsored by Senator ANDREWS of York and Senator: STRIMLING of Cumberland.

Bill "An Act Relating to Disclosures in Political Advertising"

(H.P. 771) (L.D. 1118)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Representatives: DAIGLE of Arundel, PATRICK of Rumford, TUTTLE of Sanford, Senator: GAGNON of Kennebec.

NATURAL RESOURCES

Bill "An Act To Amend the Laws Governing Shoreland Zoning" (H.P. 707) (L.D. 1022)
Sponsored by Representative LERMAN of Augusta.

Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law (H.P. 724) (L.D. 1071)
Sponsored by Representative BRYANT-DESCHENES of Turner.

Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill (H.P. 729) (L.D. 1076)

Sponsored by Representative DUCHESNE of Hudson.
Cosponsored by Senator COWGER of Kennebec and Representatives: BLANCHARD of Old Town, CARR of Lincoln, EBERLE of South Portland, JOY of Crystal, KOFFMAN of Bar Harbor, ROSEN of Bucksport, SAVIELLO of Wilton, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Provide Adequate Funding for the Enforcement of Environmental Laws" (H.P. 744) (L.D. 1091)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Representative: EBERLE of South Portland.

Resolve, To Discourage After-the-fact Department of Environmental Protection Applications (H.P. 750) (L.D. 1097)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Representative: EBERLE of South Portland.

Bill "An Act To Set Emission Limits for Certain Architectural Coatings" (H.P. 753) (L.D. 1100)
Sponsored by Representative SAVIELLO of Wilton.
Cosponsored by Representatives: DAIGLE of Arundel, HOTHAM of Dixfield, Senators: DAVIS of Piscataquis, PERRY of Penobscot, WOODCOCK of Franklin.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries" (H.P. 714) (L.D. 1029)
Sponsored by Representative PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and Representatives: BARSTOW of Gorham, KOFFMAN of Bar Harbor, SCHATZ of Blue Hill, Senators: COWGER of Kennebec, MAYO of Sagadahoc, ROSEN of Hancock.

Bill "An Act To Increase County Filing Fees" (H.P. 745) (L.D. 1092)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Representative: SAMPSON of Auburn.

Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission" (H.P. 749) (L.D. 1096)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Representatives: BROWN of South Berwick, DAVIS of Augusta, Senator: MITCHELL of Kennebec.

Bill "An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property" (H.P. 758) (L.D. 1105)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Senator COURTNEY of York and Representatives: BOWEN of Rockport, BOWLES of Sanford, CROSTHWAITE of Ellsworth, LEWIN of Eliot, McLEOD of Lee, MILLETT of Waterford, OTT of York, Senator: DAVIS of Piscataquis.

TAXATION

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax (H.P. 717) (L.D. 1032)

Sponsored by Representative VAUGHAN of Durham.
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, JOY of Crystal, MILLETT of Waterford, Senators: NASS of York, ROSEN of Hancock.

Bill "An Act To Stimulate Economic Development in Maine's Aviation Industry" (H.P. 727) (L.D. 1074)

Sponsored by Representative DAIGLE of Arundel.
Cosponsored by Senator PERRY of Penobscot and Representatives: BLANCHETTE of Bangor, BOWLES of Sanford, CLOUGH of Scarborough, DUPLESSIE of Westbrook, TUTTLE of Sanford.

Bill "An Act To Increase the Real Estate Transfer Tax on Out-of-state Purchasers" (H.P. 739) (L.D. 1086)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Senator: PERRY of Penobscot.

Bill "An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax" (H.P. 743) (L.D. 1090)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator COURTNEY of York and Representatives: BROWNE of Vassalboro, FLETCHER of Winslow, JODREY of Bethel, JOY of Crystal, NUTTING of Oakland, RICHARDSON of Skowhegan, ROBINSON of Raymond, SHERMAN of Hodgdon.

Bill "An Act To Adopt the Streamlined Sales and Use Tax Agreement" (H.P. 747) (L.D. 1094)

Sponsored by Representative LERMAN of Augusta.
Cosponsored by Senators: PERRY of Penobscot, STRIMLING of Cumberland.

Bill "An Act To Connect the BETR Program with Job Retention" (H.P. 755) (L.D. 1102)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, PINEAU of Jay, TUTTLE of Sanford, Senator: PERRY of Penobscot.

Bill "An Act To Provide Funding to the Land for Maine's Future Fund" (H.P. 756) (L.D. 1103)
Sponsored by Representative BOWEN of Rockport.

Cosponsored by Senator SAVAGE of Knox and Representatives: PERCY of Phippsburg, PINGREE of North Haven, RECTOR of Thomaston.

Bill "An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax" (H.P. 760) (L.D. 1107)

Sponsored by Representative PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and Representatives: DUDLEY of Portland, KOFFMAN of Bar Harbor, PERCY of Phippsburg, PIOTTI of Unity, SMITH of Monmouth, WATSON of Bath, WOODBURY of Yarmouth, Senator: MILLS of Somerset.

Bill "An Act To Alleviate Overcrowding in Public Schools" (H.P. 763) (L.D. 1110)

Sponsored by Representative VAUGHAN of Durham.
Cosponsored by Representatives: CAIN of Orono, LANSLEY of Sabattus, STEDMAN of Hartland.

Bill "An Act To Exempt from the Sales Tax Electricity Used by a Senior Citizen To Heat a Home" (H.P. 769) (L.D. 1116)

Sponsored by Representative CAMPBELL of Newfield.
Cosponsored by Senator COURTNEY of York and Representatives: GLYNN of South Portland, GROSE of Woolwich, KAELIN of Winterport, LEWIN of Eliot, PINGREE of North Haven, WEBSTER of Freeport, Senators: MAYO of Sagadahoc, ROSEN of Hancock.

TRANSPORTATION

Bill "An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads" (EMERGENCY) (H.P. 722) (L.D. 1069)

Sponsored by Representative PIOTTI of Unity.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARR of Lincoln, SMITH of Monmouth.

Bill "An Act To Allow Accent Lighting on Motor Vehicles" (H.P. 730) (L.D. 1077)

Sponsored by Representative SAMPSON of Auburn.
Cosponsored by Senator DAMON of Hancock and Representatives: COLLINS of Wells, HOGAN of Old Orchard Beach, MAZUREK of Rockland, McKENNEY of Cumberland, THOMAS of Ripley, Senator: SAVAGE of Knox.

Bill "An Act To Prohibit Passing in Designated No-passing Zones" (H.P. 735) (L.D. 1082)

Sponsored by Representative CARR of Lincoln.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: FLOOD of Winthrop, GREELEY of Levant, SAVIELLO of Wilton.

Resolve, To Examine Driver's License Fees (H.P. 772) (L.D. 1119)

Sponsored by Representative BARSTOW of Gorham. (BY REQUEST)

Resolve, To Establish the Wabanaki Trail (H.P. 775) (L.D. 1122)

Sponsored by Representative LORING of the Penobscot Nation.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: ADAMS of Portland, CANAVAN of Waterville, CARR of Lincoln, MOORE of the Passamaquoddy Tribe, PELLETIER-SIMPSON of Auburn, SHERMAN of Hodgdon, Senators: HOBBS of York, WOODCOCK of Franklin.

UTILITIES AND ENERGY

Bill "An Act To Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers" (H.P. 713) (L.D. 1028)

Sponsored by Representative VAUGHAN of Durham.
Cosponsored by Representatives: DUGAY of Cherryfield, FISCHER of Presque Isle.

Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System (H.P. 734) (L.D. 1081)

Sponsored by Representative SEAVEY of Kennebunkport.
Cosponsored by Senator HOBBS of York.

Resolve, To Establish Energy Standards for Residential Rental Properties (H.P. 751) (L.D. 1098)

Sponsored by Representative EDER of Portland.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: DAVIS of Falmouth, DUDLEY of Portland.

Bill "An Act To Designate Pay Phone Locations in the Public Interest" (H.P. 754) (L.D. 1101)

Sponsored by Representative ADAMS of Portland.
Cosponsored by Senator DAMON of Hancock and Representatives: ASH of Belfast, BLISS of South Portland, CANAVAN of Waterville, CURTIS of Madison, FITTS of Pittsfield, FLETCHER of Winslow, HOTHAM of Dixfield, Senator: BARTLETT of Cumberland.

Bill "An Act To Create the Fryeburg Water District" (H.P. 766) (L.D. 1113)

Sponsored by Representative MUSE of Fryeburg.
Cosponsored by Senator HASTINGS of Oxford.

Pursuant to Resolve

Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters

Representative DUPLESSIE for the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters pursuant to Resolve 2003, chapter 76 asks leave to report that the accompanying Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

(H.P. 706) (L.D. 1021)

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

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

Sent for concurrence.

ORDERS

On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 721)

(Cosponsored by Representatives: BOWEN of Rockport, MAZUREK of Rockland, MERRILL of Appleton, PERCY of Phippsburg, RECTOR of Thomaston, Senators: DAMON of Hancock, SAVAGE of Knox)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, a bill that establishes the same standards for pollution and dumping testing and protections for state coastal water dumping sites as for federal ocean dumping sites. The committee shall report out a bill by April 1, 2005.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Chain Restaurants"

(H.P. 86) (L.D. 110)

Signed:

Senators:

BROMLEY of Cumberland
DOW of Lincoln
HOBBINS of York

Representatives:

SMITH of Monmouth
CROSBY of Topsham
AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
BEAUDETTE of Biddeford
BERUBE of Lisbon

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

Signed:

Representatives:

O'BRIEN of Lewiston
FARRINGTON of Gorham

READ.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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

CONSENT CALENDAR

First Day

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

(S.P. 109) (L.D. 347) Bill "An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 120) (L.D. 373) Bill "An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence.

(H.P. 383) (L.D. 508) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-23)

On motion of Representative CUMMINGS of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. The Bill was assigned for **SECOND READING** Tuesday, March 8, 2005.

ENACTORS

Emergency Measure

An Act To Amend the Membership of the InforME Board

(H.P. 77) (L.D. 101)

(C. "A" H-22)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education

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

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. My question is for someone who can answer. I just want to make sure that I understand this, but basically what this Resolve does, it does repeal major substantive rules and replaces that with routine technical rules. Is that what that actually does?

The **SPEAKER**: The Representative from Lincoln, Representative Carr has posed a question through the Chair for anyone who may wish to answer. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question, the rules have been placed in the law, they were rules, now they are a part of the law and there is no need for the rules anymore.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

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

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

An Act To Standardize Water Lien Provisions

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

MATTERS PENDING RULING

Bill "An Act To Reform the Taxation of Malt Liquor and Wine"

(S.P. 280) (L.D. 841)

TABLED - February 22, 2005 by Speaker RICHARDSON of Brunswick.

PENDING - **RULING OF THE CHAIR.**

The SPEAKER: According to the summary of LD 841 the bill seeks to nearly double the tax on beer, triple the tax on wine and increases the tax on sparkling wine by about 50%.

Article IV part third §9 of the Maine Constitution states, "Either house may originate bills; revenue bills. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representative, but the Senate may propose amendments, as in other cases; provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising revenue."

Section 578.6 of *Mason's Manual on Legislative Procedure* states, "It is not the right of the presiding officer to rule upon the Constitutionality of bills because that authority belongs to the house."

This principle is further supported by *Hughes American Parliamentary Guide* in § 28 & 29, under the heading of 'Speaker, does not construe Constitutional affect of proposed action of House'. In 1878 a bill was pending in the House against which Mr. SS Cox raised a point of order that the bill was in conflict with a certain Constitutional provision. The Speaker, Mr. Randall, overruled the point of order saying: "It is not the duty of the speaker to construe the Constitution as affecting or touching any proposed legislation."

During the 32nd Congress, Speaker Orr, ruling upon a similar proposition said: "The Chair decides that he has nothing to do with the question whether the amendment is constitutional or not, that is a question for the house to determine by their votes."

It is clear that the question in this case of whether the bill is properly before the body is a question for members of the house to decide upon.

Subsequently, the Chair **RULED** that the Bill was properly before the body.

On motion of Representative CUMMINGS of Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in non-concurrence and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 71)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

AUGUSTA, MAINE 04333-0002

March 1, 2005

Honorable Millicent M. MacFarland

Clerk of the House

122nd Legislature

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (H), I appointed Representative Herbert E. Clark of Millinocket to serve as Speaker Pro Tem to convene the House on Tuesday, March 1, 2005.

Sincerely,

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

The following Joint Order: (S.P. 391)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 8, 2005, at 10:00 in the morning.

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

READ and PASSED in concurrence.

Non-Concurrent Matter

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)

House **INSISTED** on its former action whereby the RESOLUTION was **FINALLY PASSED** in the House on February 22, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-12)** in **NON-CONCURRENCE.**

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

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

On motion of Representative MAKAS of Lewiston, the House adjourned at 10:20 a.m., until 10:00 a.m., Tuesday, March 8, 2005 pursuant to the Joint Order (S.P. 391).