

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
21st Legislative Day
Wednesday, March 8, 2005

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

Prayer by Reverend Harold Morton, Casco Alliance Church.

National Anthem by Brian Milakovsky, Somerville.

Pledge of Allegiance.

The Journal of Wednesday, March 2, 2005 was read and approved.

SENATE PAPERS

Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations"

(S.P. 381) (L.D. 1064)

Bill "An Act To Encourage the Purchase of Meat Produced without Nontherapeutic Antibiotics"

(S.P. 388) (L.D. 1126)

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 Provide Funds for the Preservation of Digital Records"

(S.P. 360) (L.D. 1043)

Bill "An Act To Establish the Homeland Security Relief Fund"

(S.P. 387) (L.D. 1125)

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.

Resolve, Directing the Plumbers' Examining Board To Adopt the International Plumbing Code

(S.P. 373) (L.D. 1056)

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 Exemptions for Certain Private Schools from Certain Requirements"

(S.P. 354) (L.D. 1037)

Resolve, Directing the State Board of Education To Review the Authorization Requirements for Educational Technicians

(S.P. 365) (L.D. 1048)

Bill "An Act To Require Academic and Community Input into Major Decisions of the University of Maine System"

(S.P. 372) (L.D. 1055)

Bill "An Act To Improve the Recruitment of Teachers"

(S.P. 378) (L.D. 1061)

Bill "An Act To Provide Financial Accommodation under the Essential Programs and Services Funding Act for School Systems with Dead-end Bus Runs"

(S.P. 379) (L.D. 1062)

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 Amend the Laws Governing the Burial or Cremation of Certain Persons"

(S.P. 353) (L.D. 1036)

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

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

Resolve, Implementing the Recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

(S.P. 356) (L.D. 1039)

Bill "An Act To Create a Short-term All-terrain Vehicle Registration System"

(S.P. 358) (L.D. 1041)

Bill "An Act To Allow a Person 18 Years of Age or Younger To Take an Antlerless Deer during Hunting Season without a Permit"

(S.P. 366) (L.D. 1049)

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.

Resolve, To Ensure Disclosure in Real Estate Transactions

(S.P. 359) (L.D. 1042)

Bill "An Act To Place Seasonal Businesses in a Lower Workers' Compensation Bracket than Year-round Businesses"

(S.P. 363) (L.D. 1046)

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 Regarding Contract Indemnification"

(S.P. 362) (L.D. 1045)

Bill "An Act To Improve the Guardian ad Litem System"

(S.P. 380) (L.D. 1063)

Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System (EMERGENCY)

(S.P. 384) (L.D. 1067)

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 Allow the Secretary of State To Review License Suspensions"

(S.P. 386) (L.D. 1124)

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

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

Subsequently, **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Care for Families"

(S.P. 361) (L.D. 1044)

Bill "An Act To Promote Enforcement of Labor Laws Affecting Employers"

(S.P. 367) (L.D. 1050)

Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits

(S.P. 371) (L.D. 1054)

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

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

Bill "An Act To Establish and Implement the Maine STEP-UP Program"

(S.P. 374) (L.D. 1057)

Bill "An Act To Regulate the Use of Batteries Containing Mercury"

(S.P. 375) (L.D. 1058)

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 Prevent the Short-term Rental of Unlicensed Properties"

(S.P. 357) (L.D. 1040)

Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance

(S.P. 389) (L.D. 1127)

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

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

Bill "An Act To Reduce Maine's Income Tax Burden" (EMERGENCY)

(S.P. 376) (L.D. 1059)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Value Land Based on Its Current Use

(S.P. 377) (L.D. 1060)

Bill "An Act To Repeal the Homestead Property Tax Exemption and Redirect Property Tax Relief Funds to the Maine Residents Property Tax Program"

(S.P. 383) (L.D. 1066)

Bill "An Act To Strengthen Maine's Small Business Economy"

(S.P. 385) (L.D. 1068)

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 Improve Landowners' Access to Their Land"

(S.P. 355) (L.D. 1038)

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

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

Resolve, To Study the Feasibility of Expanding the Market for American Fuels

(S.P. 364) (L.D. 1047)

Resolve, Establishing a Study Commission To Examine Water District Fees Assessed for Fire Suppression

(S.P. 368) (L.D. 1051)

Bill "An Act To Require Municipalities To Institute Sewer Service Charges"

(S.P. 369) (L.D. 1052)

Bill "An Act To Promote Economic Development and Sustainable Energy"

(S.P. 382) (L.D. 1065)

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.

COMMUNICATIONS

The Following Communication: (H.C. 72)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE COMMITTEE ON TAXATION

February 28, 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. 362 An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State

L.D. 370 An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries

L.D. 452 An Act To Provide a Sales Tax Holiday

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.

The Following Communication: (H.C. 73)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE COMMITTEE ON TRANSPORTATION

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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 38 An Act To Enhance Highway Safety
L.D. 47 An Act To Require the State To Provide Winter Maintenance on State Aid Highways
L.D. 79 An Act To Allow the Issuance of Vanity Plates for Buses
L.D. 152 An Act To Change the Oversight of the Maine Pilotage Commission
L.D. 155 Resolve, To Direct the Department of Transportation To Build a Truck Escape Ramp on Route 16

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

Sincerely,
S/Sen. Dennis Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 74)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

February 28, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 304 An Act To Allow People To Buy Motor Vehicles on Sundays

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

Sincerely,
S/Sen. Lynn Bromley
Senate Chair
S/Rep. Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 75)

STATE OF MAINE

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

February 28, 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 bills out "Ought Not to Pass":

L.D. 378 An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation
L.D. 445 An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age

We have also notified the sponsors and cosponsors of each bill listed 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. 76)

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

March 7, 2005

Honorable John Baldacci
Governor
State of Maine
Honorable Matthew Dunlap
Secretary of State
State of Maine
Honorable John Richardson
Speaker of the House
Maine State Legislature
Honorable Millicent M. MacFarland
Clerk of the House
Maine House of Representatives
State House
Augusta, Maine 04333

Re: Penobscot Nation Representative to Legislature
Dear Governor, Secretary, Speaker and Clerk:

This is to notify you that our Penobscot Nation Representative Michael Sockalexis will be returning to the State Legislature. He has taken the Oath of Office here as well as at the Legislature. He has been unable to be physically present or capable of fully carrying-out his responsibilities at this time.

Ms. Donna Loring will be stepping down as the interim Representative of the Penobscot Nation to the Maine State Legislature. We are most grateful to her in assuming the responsibilities during Representative Sockalexis' absence.

We thank you for the cooperation and support you have provided and look forward to seeing you as the Legislature continues through the tedious review process and legislative session.

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

S/James G. Sappier
Chief

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

CERTIFICATION OF MOTION NUMBER 02-28-04-01

OF THE GOVERNING BODY, OF THE PENOBSCOT NATION
I, the undersigned Tribal Clerk of the Penobscot Indian Nation do hereby certify that a Monthly Council Meeting of the Chief and Tribal Council was held on the 28th day of February, 2005 at which time and acting throughout, James Sappier, Chief of the Penobscot Nation.

Upon motion duly made, seconded and carried, the Tribal Council voted to reinstate Michael Sockalexis as Tribal Representative effective March 07, 2005.

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

In Witness Whereof, I have set my hand as Tribal Clerk and have affixed the Tribal Seal on this day of March 4, 2005

S/Linda Socoby
Tribal Clerk

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 390)
122ND MAINE LEGISLATURE

February 25, 2005
Sen. Kenneth T. Gagnon
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Gagnon and Representative Patrick:
Please be advised that Governor John E. Baldacci has nominated Walter Simcock of Waterville for appointment as a member of the State Liquor and Lottery Commission. Pursuant to Title 5 M.R.S.A. §283-A, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT
Bill "An Act To Safeguard Federalism in Trade"
(H.P. 778) (L.D. 1135)

Sponsored by Representative HUTTON of Bowdoinham.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: CLARK of Millinocket, JACKSON of Fort Kent, PINEAU of Jay, SMITH of Van Buren, WATSON of Bath.

Bill "An Act To Ensure the Health and Safety of All Maine Citizens by Licensing Drug Wholesalers"
(H.P. 810) (L.D. 1167)

Sponsored by Representative MARRACHÉ of Waterville.
Cosponsored by Representatives: DUCHESNE of Hudson, DUDLEY of Portland, LERMAN of Augusta, PERRY of Calais, SMITH of Van Buren, Senator: COWGER of Kennebec.

Bill "An Act To Create State Drug Schedules and Place Additional Restrictions on Prescribing Benzodiazepines"
(H.P. 819) (L.D. 1190)

Sponsored by Representative PERRY of Calais.
Cosponsored by Representatives: MARRACHÉ of Waterville, SMITH of Van Buren, Senator: BROMLEY of Cumberland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement
(H.P. 783) (L.D. 1140)

Sponsored by Representative McKENNEY of Cumberland.
Cosponsored by Representative: CARR of Lincoln, Senator: DAVIS of Piscataquis.

Bill "An Act To Create the Crime of Vehicular Manslaughter for Persons Who, while Committing a Traffic Infraction, Cause the Death of Another Person"
(H.P. 784) (L.D. 1141)

Sponsored by Representative DUPREY of Hampden. (BY REQUEST)

Bill "An Act To Protect Certain Elderly or Incompetent Dependents"
(H.P. 795) (L.D. 1152)

Sponsored by Representative BLANCHETTE of Bangor.
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act Regarding the Bureau of State Police, Licensing Division"
(H.P. 807) (L.D. 1164)

Sponsored by Representative BLANCHETTE of Bangor.
Cosponsored by Senator CLUKEY of Aroostook and Representative: PATRICK of Rumford, Senator: GAGNON of Kennebec.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Impose More Stringent Penalties for Driving after Drinking"
(H.P. 809) (L.D. 1166)

Sponsored by Representative DUPREY of Hampden.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CEBRA of Naples, GREELEY of Levant, ROBINSON of Raymond.

Bill "An Act To Protect Women and Children from Sexual Predators by Requiring the State Bureau of Identification to Distribute Registrant Information to Town Clerks"

(H.P. 824) (L.D. 1195)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: FAIRCLOTH of Bangor, McKANE of Newcastle, PARADIS of Frenchville, SHIELDS of Auburn, Senator: PERRY of Penobscot.

Bill "An Act To Identify the Benefits and Costs of Adjustments to Building Codes"

(H.P. 782) (L.D. 1139)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Representative: SMITH of Monmouth.

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

On motion of Representative BLANCHETTE of Bangor, the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Ensure Implementation of All Content Areas of the System of Learning Results"

(H.P. 780) (L.D. 1137)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CAIN of Orono, CRAVEN of Lewiston, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, LANSLEY of Sabattus, NORTON of Bangor, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Reduce School Construction Costs"

(H.P. 781) (L.D. 1138)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Augment and Diversify the Ranks of Maine Educators"

(H.P. 814) (L.D. 1185)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Senator WESTON of Waldo and Representatives: KAELIN of Winterport, LANSLEY of Sabattus, MERRILL of Appleton, SHERMAN of Hodgdon, Senator: MITCHELL of Kennebec.

Bill "An Act To Create a Senior Life Educator Certificate Program"

(H.P. 816) (L.D. 1187)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Representative: LANSLEY of Sabattus.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Equal Access to Education for Children in All Parts of the State

(H.P. 822) (L.D. 1193)

Sponsored by Representative MERRILL of Appleton.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CUMMINGS of Portland, FINCH of Fairfield, LANSLEY of Sabattus, STEDMAN of Hartland, TRAHAN of Waldoboro, Senators: DAVIS of Piscataquis, President EDMONDS of Cumberland, RAYE of Washington.

Bill "An Act To Create an Academic Bill of Rights"

(H.P. 823) (L.D. 1194)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Representatives: BOWLES of Sanford, DAVIS of Falmouth, JOY of Crystal, STEDMAN of Hartland, TARDY of Newport, TRAHAN of Waldoboro, Senator: WESTON of Waldo.

HEALTH AND HUMAN SERVICES

Bill "An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places"

(H.P. 799) (L.D. 1156)

Sponsored by Representative WALCOTT of Lewiston.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BURNS of Berwick, CRAVEN of Lewiston, GROSE of Woolwich, MILLER of Somerville, PINGREE of North Haven.

Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

(H.P. 815) (L.D. 1186)

Sponsored by Representative HOTHAM of Dixfield.

Cosponsored by Representatives: BLANCHETTE of Bangor, BROWN of South Berwick, THOMAS of Ripley.

INLAND FISHERIES AND WILDLIFE

Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife

(H.P. 785) (L.D. 1142)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator BRYANT of Oxford.

Bill "An Act To Establish a Muzzle-loading Shotgun Season on Deer"

(H.P. 796) (L.D. 1153)

Sponsored by Representative ANNIS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CRESSEY of Cornish, JOY of Crystal, RICHARDSON of Carmel, RICHARDSON of Greenville, SHERMAN of Hodgdon, THOMAS of Ripley.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Reduce Individual Health Insurance Premiums"

(H.P. 811) (L.D. 1168)

Sponsored by Representative LINDELL of Frankfort.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CURLEY of Scarborough, KAELIN of Winterport, McKANE of Newcastle, TARDY of Newport, VAUGHAN of Durham.

Bill "An Act To Extend Insurance Notification and Protection to Small Businesses and Farms"

(H.P. 821) (L.D. 1192)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by President EDMONDS of Cumberland, Senator MAYO of Sagadahoc and Representatives: BRAUTIGAM of

Falmouth, CUMMINGS of Portland, MARRACHÉ of Waterville, PERRY of Calais, Speaker RICHARDSON of Brunswick, SMITH of Monmouth, Senator: MILLS of Somerset.

LABOR

Bill "An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields"

(H.P. 786) (L.D. 1143)

Sponsored by Representative LERMAN of Augusta.

Resolve, Directing the Maine State Retirement System To Develop a Proposal To Provide Relief for Retired State Employees

(H.P. 787) (L.D. 1144)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Senator COWGER of Kennebec and Representative: DUPLESSIE of Westbrook, Senator: MITCHELL of Kennebec.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Regarding Tribal Gaming and Gaming by Nonprofits"

(H.P. 788) (L.D. 1145)

Sponsored by Representative PATRICK of Rumford.

Cosponsored by Senator BRYANT of Oxford and Representatives: BROWN of South Berwick, CANAVAN of Waterville, DUPLESSIE of Westbrook, JACKSON of Fort Kent, MOORE of the Passamaquoddy Tribe, SMITH of Van Buren, WALCOTT of Lewiston, Senator: GAGNON of Kennebec.

Bill "An Act To Recognize and Regulate the Proper Formation of Minor Political Parties"

(H.P. 797) (L.D. 1154)

Sponsored by Representative LINDELL of Frankfort.

Cosponsored by Representatives: CUMMINGS of Portland, HOTHAM of Dixfield, MCKANE of Newcastle.

Bill "An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices"

(H.P. 798) (L.D. 1155)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator BRYANT of Oxford and Representatives: CAIN of Orono, CANAVAN of Waterville, GROSE of Woolwich, MILLS of Farmington, RICHARDSON of Carmel, TRAHAN of Waldoboro, Senators: BROMLEY of Cumberland, DIAMOND of Cumberland.

Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

(H.P. 812) (L.D. 1169)

Sponsored by Representative PATRICK of Rumford.

Cosponsored by Senator BRYANT of Oxford and Representatives: DUPLESSIE of Westbrook, FLETCHER of Winslow, JACKSON of Fort Kent, JENNINGS of Leeds, PINEAU of Jay, SAVIELLO of Wilton, SMITH of Van Buren, Senator: GAGNON of Kennebec.

Bill "An Act To Ensure Ready Access by Consumers to Information Regarding Alcoholic Beverages and Gambling Activities while Decreasing Gambling Abuse"

(H.P. 817) (L.D. 1188)

Sponsored by Representative FAIRCLOTH of Bangor.

Bill "An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans"

(H.P. 818) (L.D. 1189)

Sponsored by Representative PATRICK of Rumford.

Cosponsored by Senator GAGNON of Kennebec and Representatives: HOTHAM of Dixfield, PINKHAM of Lexington Township.

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

MARINE RESOURCES

Bill "An Act To Protect Fishing Families"

(H.P. 790) (L.D. 1147)

Sponsored by Representative CURLEY of Scarborough.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: KAELIN of Winterport, TUTTLE of Sanford.

NATURAL RESOURCES

Resolve, To Review the Responsibilities of the Board of Environmental Protection

(H.P. 792) (L.D. 1149)

Sponsored by Representative DAIGLE of Arundel.

Cosponsored by Senator MARTIN of Aroostook and Representatives: ANNIS of Dover-Foxcroft, EBERLE of South Portland, JOY of Crystal, KOFFMAN of Bar Harbor, ROSEN of Bucksport, Senator: COWGER of Kennebec.

Bill "An Act To Protect Children from Toxic Chemicals in Schools"

(H.P. 800) (L.D. 1157)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator RAYE of Washington and Representatives: CURLEY of Scarborough, DAVIS of Falmouth, GOLDMAN of Cape Elizabeth, McFADDEN of Dennysville, MCKANE of Newcastle, PLUMMER of Windham, RICHARDSON of Warren, Senator: COWGER of Kennebec.

Bill "An Act To Increase Wetland Protection"

(H.P. 803) (L.D. 1160)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator DAMON of Hancock and Representatives: DAVIS of Falmouth, EBERLE of South Portland, PERCY of Phippsburg, PIOTTI of Unity, SAMPSON of Auburn, THOMPSON of China, WATSON of Bath, Senator: COWGER of Kennebec.

Bill "An Act To Require Notification from the Department of Environmental Protection and the Maine Land Use Regulation Commission upon Permit Application, Issuance and Denial"

(H.P. 804) (L.D. 1161)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Representatives: EBERLE of South Portland, KOFFMAN of Bar Harbor, THOMPSON of China, TWOMEY of Biddeford.

TAXATION

Bill "An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes"

(H.P. 777) (L.D. 1134)

Sponsored by Representative HARLOW of Portland.

Cosponsored by Senator ANDREWS of York and Representatives: BARSTOW of Gorham, BLANCHARD of Old

Town, BRAUTIGAM of Falmouth, CANAVAN of Waterville, DRISCOLL of Westbrook, FAIRCLOTH of Bangor, MOULTON of York, PILON of Saco.

Bill "An Act To Promote and Facilitate Personal Retirement Saving in Maine"

(H.P. 793) (L.D. 1150)

Sponsored by Representative WOODBURY of Yarmouth.

Bill "An Act To Allow Citizens Who Have Been Overbilled for Property Taxes To Reduce Their Payments in Succeeding Years"

(H.P. 794) (L.D. 1151)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BEAUDETTE of Biddeford, BLANCHETTE of Bangor, CLARK of Millinocket, O'BRIEN of Lewiston, PELLETIER-SIMPSON of Auburn.

Bill "An Act To Allow Disabled Retired State Employees To Be Eligible for a Pension Deduction under Maine Income Tax Law"

(H.P. 801) (L.D. 1158)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: DAVIS of Falmouth, DUPLESSIE of Westbrook, JACKSON of Fort Kent, SMITH of Van Buren, TUTTLE of Sanford, Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, MITCHELL of Kennebec.

Bill "An Act To Encourage the Preservation of Affordable Housing"

(H.P. 808) (L.D. 1165)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Provide Tax-exempt Status to Service Dog Trainers"

(H.P. 820) (L.D. 1191)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BARSTOW of Gorham, EBERLE of South Portland, FISCHER of Presque Isle.

TRANSPORTATION

Bill "An Act Regarding the Fines Imposed on Overweight Vehicles"

(H.P. 789) (L.D. 1146)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CLARK of Millinocket, FISHER of Brewer, JENNINGS of Leeds, SMITH of Van Buren, Senators: BRYANT of Oxford, DAMON of Hancock.

Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal"

(H.P. 791) (L.D. 1148)

Sponsored by Representative BROWN of South Berwick.

Cosponsored by President EDMONDS of Cumberland and Representatives: BLANCHETTE of Bangor, BOWLES of Sanford, DAVIS of Augusta, DUPLESSIE of Westbrook, FISHER of Brewer, HOTHAM of Dixfield, PINGREE of North Haven, SHIELDS of Auburn.

Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts"

(H.P. 802) (L.D. 1159)

Sponsored by Representative FISHER of Brewer.

Cosponsored by Senator DAMON of Hancock and Representatives: BARSTOW of Gorham, BROWN of South Berwick, COLLINS of Wells, GERZOFKY of Brunswick, Senators: DIAMOND of Cumberland, SAVAGE of Knox.

Bill "An Act To Amend the Laws Regulating Street Rods and Custom Vehicles"

(H.P. 806) (L.D. 1163)

Sponsored by Representative TRAHAN of Waldoboro.

UTILITIES AND ENERGY

Bill "An Act To Permit the Establishment of Regional Water Councils"

(H.P. 805) (L.D. 1162)

Sponsored by Representative BARSTOW of Gorham.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BABBIDGE of Kennebec, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, FISCHER of Presque Isle, FLETCHER of Winslow, Senator: SNOWE-MELLO of Androscoggin.

Pursuant to Statute Legislative Youth Advisory Council

Representative PARADIS for the **Legislative Youth Advisory Council** pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council"

(H.P. 779) (L.D. 1136)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative CROSBY of Topsham, the following Joint Resolution: (H.P. 813) (Under suspension of the rules, cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebec, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BISHOP of Boothbay, BLANCHARD of Old Town, BLISS of South Portland, BRAUTIGAM of Falmouth, BROWNE of Vassalboro, BRYANT of Windham, CARR of Lincoln, CLARK of Millinocket, COLLINS of Wells, CRAVEN of Lewiston, CUMMINGS of Portland, CURLEY of Scarborough, DAVIS of Falmouth, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, DUPLESSIE of Westbrook, EBERLE of South Portland, FARRINGTON of Gorham, FINCH of Fairfield, FLETCHER of Winslow, GERZOFKY of Brunswick, GROSE of Woolwich, HANLEY of Gardiner, HARLOW of Portland, HUTTON of Bowdoinham, JACOBSEN of Waterboro, JENNINGS of Leeds, KOFFMAN of Bar Harbor, MAKAS of Lewiston, MAREAN of Hollis, MILLS of Farmington, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, Speaker RICHARDSON of Brunswick, RICHARDSON of Skowhegan, SAMPSON of Auburn,

SCHATZ of Blue Hill, SHIELDS of Auburn, THOMPSON of China, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, Senators: COWGER of Kennebec, DOW of Lincoln, HOBBS of York, MAYO of Sagadahoc, RAYE of Washington, ROTUNDO of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE
CONGRESS OF THE UNITED
STATES NOT TO CLOSE THE BRUNSWICK
NAVAL AIR STATION**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military and has indicated that reductions may total 25% or an estimated 100 bases; and

WHEREAS, the State of Maine has a distinct and important military installation that is at risk of closure, the Brunswick Naval Air Station; and

WHEREAS, Brunswick Naval Air Station is one of 4 remaining bases at the corners of the continental United States that are perfectly situated for maritime interdiction of weapons of mass destruction threats; and

WHEREAS, Brunswick Naval Air Station is the only fully capable active-duty military airfield in the northeastern United States and is indispensable in both our current and future efforts to counter threats to our security; and

WHEREAS, Brunswick Naval Air Station has more than 63,000 square miles of unencumbered airspace for training and exercise missions and has plenty of space for expansion, even for housing other branches of the military; and

WHEREAS, Brunswick Naval Air Station is the only airfield in the region with a completely secured perimeter for military operations, and Brunswick's 2 parallel runways allow for the operation of all aircraft the Department of Defense possesses today and anticipates for the future; and

WHEREAS, Brunswick Naval Air Station has an outstanding force protection layout, is on the coast and is easily accessible by all forms of transportation, and aircraft can take off and land there without flying over major centers of population; and

WHEREAS, the Maine National Guard is coordinating an initiative to construct an Armed Forces Reserve Center on Brunswick Naval Air Station. Tenants would include the Maine Army National Guard, the Maine Air National Guard and the Marine Corps Reserves; and

WHEREAS, the Army National Guard has begun the process of replacing its current fixed-wing utility fleet with a fixed-wing cargo fleet; and

WHEREAS, Brunswick Naval Air Station has been selected by the National Guard Bureau as one of its regional cargo hubs, and the bureau's recommendation has been sent to the Department of the Army; and

WHEREAS, the Maine Army National Guard is evaluating the possibility of stationing 2 UH-60 Blackhawk helicopters at Brunswick Naval Air Station to provide search-and-rescue missions along the Maine coast; and

WHEREAS, the people of the State of Maine have long been at the forefront of our Nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and

appreciation for the bases within our borders; now, therefore, be it

RESOLVED: That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for Brunswick Naval Air Station that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of this installation in this time of war on terrorism and the vital need to protect our Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Topsham, Representative Crosby.

Representative **CROSBY:** Thank you Mr. Speaker, Men and Women of the House. I would like to thank all the members of the House and the Senate who have signed this important Joint Resolution today; we have members from Kittery to Frenchville, North Haven to Farmington. This Joint Resolution memorializes the Congress of the United States not to close the Brunswick Naval Air Station.

Within the year, Secretary of State Donald Rumsfeld will make a recommendation to the Base Realignment and Closure Commission. The State of Maine has the distinction of an important military installation that is at risk of closure, Brunswick Naval Air Station. This naval air station is one of the four remaining bases at the corners of the continental United States and is perfectly situated for maritime interdiction of weapons of mass destruction. Brunswick Naval Air Station is the only capable, active duty military airfield in the North Eastern United States and is indispensable in both our current and future efforts to counter threats to our security. The Maine National Guard is evaluating the possibility of stationing two UH60 Blackhawk helicopters at the Brunswick Naval Air Station to provide valuable search and rescue missions along the Maine coast. Thank you Mr. Speaker.

Subsequently, was **ADOPTED.**
Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Barbara Ford, of Winterport, who has been selected to receive the 2005 North American Council on Adoptable Children (NACAC) Adoption Activist Award. Barbara is one of 6 recipients of this prestigious award, which recognizes her many years of service to children and families. She is currently the President of The Board of Directors of Adoptive and Foster Families of Maine and has worked to educate state legislators on the needs of adoptive families and post adoption supports. We extend our sincere congratulations to Barbara on achieving this distinctive and well-deserved honor and thank her for her contributions to the welfare of children and families;

(HLS 148)

Presented by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo.

On **OBJECTION** of Representative KAELIN of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of Representative TARDY of Newport, **TABLED** pending **PASSAGE** and later today assigned.

In Memory of:

Jane Gray Muskie, widow of former Maine governor, senator and national Secretary of State Edmund S. Muskie, at her home outside Washington, D.C., on Christmas morning. Jane Gray was born and raised in Waterville, where she met young attorney Edmund S. Muskie. They married in 1948 while he was a member of the Maine House of Representatives. In 1954, Mr. Muskie was elected Governor of Maine, and as Maine's First Lady, Mrs. Muskie was the first in memory to have a child while living at the Blaine House. The Muskies moved to Washington, D.C., in 1958, when Edmund Muskie won the United States Senate seat he would hold until President Carter named him Secretary of State in 1980. Mrs. Muskie was devoted to her husband and five children, raising her family in Bethesda, Maryland, and Kennebunk, Maine. She was talented, charming and well respected, and she was one of her husband's greatest political assets. Mrs. Jane Muskie will be buried next to her husband, who predeceased her in 1996, at Arlington National Cemetery. She will be greatly missed by her loving family, her many friends and the citizens of the State of Maine;

(HLS 138)

Presented by Speaker RICHARDSON of Brunswick.

Cosponsored by President EDMONDS of Cumberland, Representative CUMMINGS of Portland, Representative BOWLES of Sanford, Representative TARDY of Newport, Senator BRENNAN of Cumberland, Senator GAGNON of Kennebec, Senator DAVIS of Piscataquis, Senator WESTON of Waldo, Senator ANDREWS of York, Senator BARTLETT of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator CLUKEY of Aroostook, Senator COURTNEY of York, Senator COWGER of Kennebec, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WOODCOCK of Franklin, Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebec, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Representative BRYANT of Windham,

Representative BRYANT-DESCHENES of Turner, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Representative DAVIS of Falmouth, Representative DAVIS of Augusta, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative EBERLE of South Portland, Representative EDER of Portland, Representative EDGECOMB of Caribou, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative GERZOFISKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACKSON of Fort Kent, Representative JACOBSEN of Waterboro, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LERMAN of Augusta, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative MCKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PELLETIER-SIMPSON of Auburn, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of

Unity, Representative PLUMMER of Windham, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMPSON of Auburn, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SEAVEY of Kennebunkport, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Representative SYKES of Harrison, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WEBSTER of Freeport, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth.

On **OBJECTION** of Representative RICHARDSON of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 67) (L.D. 71) Bill "An Act To Amend the Law Pertaining to Nitrous Oxide Systems" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 186) (L.D. 247) Bill "An Act To Limit Terms for Members of the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 298) (L.D. 395) Bill "An Act Concerning Street Rod Standards" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 26) (L.D. 23) Bill "An Act To Establish Charity Appreciation Week" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-24)**

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

BILLS IN THE SECOND READING

House as Amended

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)

(H.P. 383) (L.D. 508)

(C. "A" H-23)

Reported by the Committee on **Bills in the Second Reading**, read the second time.

Committee Amendment "A" (H-23) was **READ** by the Clerk and **ADOPTED**.

On motion of Representative TWOMEY of Biddeford, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative **CRESSEY**: Thank you Mr. Speaker, Men and Women of the House. I would like to draw attention to a portion of the budget that I think may apply to other state agencies, specifically in regards to 2 million dollars that we will be adding to the Department of Labor budget. I would like to applaud the Executive of the State of Maine and his Commissioner of the Department, Laura Fortman for bringing to the Labor Committee's attention a practice that I think needs to come to a halt. I would appreciate that when we deal with the budget coming up shortly before us that we deal with this matter. That matter is that some state agencies apparently are spending estimated federal dollars they have not yet received, and thus doing so, they don't receive that additional money, that is additional money that we need to cover up. Since 1996 the state comptroller has estimated upwards of 2 million dollars being overspent. I would like to point this matter out and urge that this body vote for LD 508. If we don't add 2 million dollars to the Department of Labor budget then those in the behavioral sciences and receiving funds for that will lose millions of dollars of federal funding. Thank you Mr. Speaker

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker, Ladies and Gentlemen of the House. I would like to confirm the concern that the Representative from Cornish has raised and to suggest that his concern may be addressed within the Committee at a subsequent date in a future appropriations bill. This concern is a valid one and we attempted to correct a practice, which preceded this administration, and in which excessive federal drawdowns were made in advance of the appropriate state matching money, causing a situation that the federal government called to our attention. If we do not do what is in the budget - which is a restoration of 2 million dollars to the Department of Labor - we will be found to be out of compliance with Maintenance of Effort Requirements and thus pay a penalty in future lost federal funds.

The issue that Representative Cressey brought up is an issue I addressed to the commissioner, Commissioner Laura Fortman, in our work session. She gave me verbal assurances that the spirit and intent of his amendment - that being the amendment that Representative Cressey has decided not to offer today - is consistent with her commitment to better management and better fiscal oversight in the department. Having discussed this with House Chair Brannigan I believe, and I am confident that, within the Appropriations Committee we can address the concern raised. I appreciate Representative Cressey's willingness to withdraw the amendment and I will commit to working with the democratic members on the Appropriations Committee to accomplish his intent with language in a future budget bill. I hope the house will accept his good faith gesture and we can move forward without taking the time to consider the amendment this morning. Thank you.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also appreciate the issue that's been raised and it was taken care of hopefully by the presentation of that amount of money by the Executive and the cautions that were given during the Committee deliberations. I also want to take the opportunity to mention that this is the budget that will carry us through the remainder of this fiscal year to June 30th. I want to say how I appreciate the work of the

whole committee and the working of the committee in a unanimous fashion. We also appreciate the work of all of the other committees; not only as they have been doing their own work, but as they have been doing this budget and then doing the other budget we are working on now, plus the bonds. We really appreciate the work of the various committees and working together we hope we can continue to have their support and we look forward to the future. I also recommend that we pass this, the emergency budget. Thank you, Mr. Speaker.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 passage to be Engrossed as Amended by Committee Amendment "A" (H-23). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 25

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, 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, Dunn, Duplessie, Duprey, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Fischer, 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, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Tardy, Thomas, Thompson, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Eder, Twomey.

ABSENT - Bryant-Deschenes, Dudley, Dugay, Fisher, Hotham, Ott, Perry, Sykes, Trahan.

Yes, 140; No, 2; Absent, 9; Excused, 0.

140 having voted in the affirmative and 2 voted in the negative, with 9 being absent, and accordingly, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Constitutional Amendment

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

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

(S. "A" S-12)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 143 voted in favor of the same and 0 against, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME

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

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. 136 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan

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

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. 142 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.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, March 2, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Chain Restaurants"

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

TABLED - March 2, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative SMITH of Monmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

Representative FARRINGTON of Gorham **OBJECTED** to sending this matter **FORTHWITH**.

On motion of the same Representative, the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Mr. Speaker, Ladies and Gentlemen of the House. Thank you Mr. Speaker, I appreciate your indulgence. I rise today to speak in opposition to the majority report on LD 110. I think it's important that we note where this bill comes from. This bill was submitted on the recommendation of the Commission to Study Public Health, a commission with 31 members representing public health interests, healthcare, nutrition providers, educators, advocacy groups, food and beverage industry representatives, insurers, legislators and executive agency representatives. Thirty—one individuals called together to study the growing problem of obesity in the State of Maine. Why a study on obesity? Well, as you are all probably aware, obesity is increasing in our state at alarming rates, both among adults and children. Maine has the highest rate of obesity in New England and a stunning 24% of our kindergartners are obese. Now, there are multiple causes of this

phenomenon, but indisputably poor diet is one of the major factors. This bill attempts to address one aspect of that diet, and that is food that is served in restaurants. It is an attempt to enable consumers and parents to have more information, which they can use to make smarter, healthier choices.

The same Representative **REQUESTED** a roll call.

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

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Mr. Speaker, Men and Women of the House. This, for those of you who were here in the last session, is a reprise of a bill that we turned down last time and I think the same lack of fundamental benefit is demonstrated this time around. Fewer than 2% of the meals that are consumed in the State of Maine are going to be consumed at restaurants that are affected by this bill...fewer than 2%. The information that people are requesting in this bill to be posted is very often posted in the largest of the restaurants on their walls already. Nutritional information is there. In fact, we've made great progress. I would say in the last two years since we considered this initially with the Diner's Choice Program, that many restaurants in the state have put forward, that provides information and the ability to fine tune for dietary needs for any diners here in Maine.

Additionally, I would suggest to you that probably caloric content is not something that's known about the meals we are consuming at our own homes and so where it's necessary I think the information is available but I think that fundamentally this bill is not going to improve our knowledge base particularly and certainly is not going to change the dining habits of Mainers. Obesity is a problem. It's a problem nationwide. Twelve years ago we instituted labeling on food, packaged foods, that we buy in stores and yet we've seen obesity increase 74 percent. I think there is no direct correlation between our ability to see caloric content and our ability necessarily to do what we need to do. That is, to eat in moderation, eat nutritionally and exercise if we are going to stay fit. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative **JACOBSEN**: Mr. Speaker, Ladies and Gentlemen of the House. The restaurant industry is one of the largest contributors to the tax base in this state. For years, independent restaurants have been the largest contributors of this. Now we are going through great changes. The independent restaurant industry is being threatened to further divide independence from chains is a great danger to us. Whether this will work with being able to count calories has not been proven, it's just more regulation in an industry that has become owned by out-of-staters. Independents are being threatened by the increase in the minimum wage. We train restaurant workers and then the chains take them away because they can buy cheaper and have a greater source of funding. On behalf of the independent restaurants I urge you not to pass this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. Thank you, I just want to raise two other points related in support to the pending motion not to pass on this bill. One, I do want to commend the work of the Commission on Public Health including the good Representative from Lewiston, Representative Craven and also the good Representative from Bangor, Representative Faircloth. In the two years since we first heard this bill this issue has become more public and I think changes have come. The work is being accomplished without having to

pass legislation. There have been changes that have come and they have been in response to market demand and not legislation.

Let me finally tell you about the two bits of testimony that we had in our committee on this. First, the executive director for Weight Watchers in Maine spoke in opposition to this bill. Weight Watchers was opposed to this bill because they believe that when someone is ready to change their eating habits they will seek out the information that they want. If you provide the information before they are ready you don't help and you actually can cause them to act less responsibly, kind of in retaliation.

The last testimony of the day, when we heard this bill, came from a constituent of mine who was actually there to testify on another bill, but he came forward and spoke because he was supporting what the Weight Watchers woman had said. He was there again to testify on another bill, but he pulled out of his pocket a Subway brochure and he said that he'd gone to the doctors for his annual checkup and the doctor had told him he needed to lose ten pounds. He made the decision to do it, he knew how to do it, and he grabbed the information where it was readily available. So again I would like to commend the work of the commission. I feel that they have been able to accomplish it without legislation. It's best to allow the businesses, the restaurants, to come up with their own solution as a result to market demand. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker, Men and Women of the House. I just want to briefly clarify a couple of points. I commend anyone who testifies before a legislative committee, as did the representative from Weight Watchers. However, I think it is important that they disclose when they do so, if they have a financial relationship as weight watchers did, with some of the restaurant industry. It colored, in my opinion, my understanding of their testimony. I think it's important for us to give information-and that's really what this legislation is about, is giving information so that busy single parents, busy people who are rushing home, as they often do, get information about the products they are buying. We know more about the lawn mowers we buy than about the food we put down our throat. Forty years ago, less than 20%, of the American food dollar was spent outside the home and now it's almost 50%. I recognized the situation with this legislation. There are other parts of the commission report that will be coming forward. I do think it's important because you will be seeing this proposal time and again throughout the entire nation. Those who support the restaurant industry as I do, always tailor our comments to the facts and the way this legislation is written because it was clearly established that menus are customized. You will see a different price on a four-color printed menu in Bangor, in Augusta and Portland - each different on the same four-color printed menu. That the cost of this for the major chains - and only the major chains would be subject to this legislation; chains of twenty or more - that it would cost them nothing, and representations to the contrary, I respectfully submit, are incorrect. I want to commend Representative Farrington for speaking out, for giving consumers the power to take personal responsibility over their own lives, and over time this proposal will be successful, and thank you men and women of the House.

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

ROLL CALL NO. 26

YEA - Annis, Ash, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgcomb, Emery, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, Patrick, Percy, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Tuttle, Twomey, Vaughan, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Brautigam, Bryant, Canavan, Clark, Craven, Dudley, Faircloth, Farrington, Gerzofsky, Harlow, Hogan, Hutton, Jackson, Lerman, Makas, Miller, O'Brien, Paradis, Pilon, Pingree, Valentino, Walcott, Webster.

ABSENT - Bryant-Deschenes, Hotham, Ott, Pelletier-Simpson, Perry, Trahan.

Yes, 120; No, 25; Absent, 6; Excused, 0.

120 having voted in the affirmative and 25 voted in the negative, with 6 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED. ORDERED SENT FORTHWITH.**

ENACTORS**Emergency Measure**

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

(H.P. 383) (L.D. 508)

(C. "A" H-23)

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I think its appropriate at this time that we take a moment and reflect on the process that got us here - thank you Mr. Speaker - on the process that has brought us to this point, and I'm speaking of the bipartisan cooperation that existed amongst the members of the Appropriations Committee and amongst the members of leadership during the crafting of this supplemental budget. This document represents an acceptable solution to a series of revenue shortfalls and over expenditures that have accumulated in the last two years. We are about to pass the fifth or sixth supplemental budget and to be perfectly honest with you, I've lost track. It is my belief that, unfortunately, a poor decision on the part of the 121st Legislature - in not trying more diligently to pursue a super-majority budget - has led us to this point. The passage of a simple majority budget by the last legislature has been catalyst of the fiscal uncertainty that we are facing today. Supplemental budgets have a place. They are a part of the budget process. Some of them are inevitable. I encourage all members of the Legislature - My

friends in the Democratic caucus, my fellow Republicans, our Green member, our Independent member - to reject the majority budget strategy as a first option. Majority budgets are short sited. Their goal is to simply pass a budget, ignoring the sound fiscal principles that we need to move Maine forward. We should not have to have five or six supplemental budgets if we do the job right the first time. As we support this bipartisan work today, in just a few moments I'm hoping, by unanimous vote. Lets use the process by which it was achieved as a model on which to craft the fiscal '06 and '07 budget. Lets take the time to pass a sound budget and reject a hurried majority budget. The people of Maine will be best served if this process of passing supplemental budgets becomes a rarity and not the norm. Thank you Mr. Speaker.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to endorse strong words about bipartisanship in this particular supplementary budget as put on by the good Minority Leader Representative Bowles. He is absolutely right we are stronger when we work together and it is our duty to work together. This particular budget reflects that. I'm proud of the way we have done so and I'm proud of the way the Speaker has maintained that tone in this body. I must say however, if there are philosophical disagreements between us - there are philosophical disagreements among us - it is not a matter of punishing good ideas, it is a matter of what our values and priorities are. If we disagree, we must disagree, but it is our intention on this side to be strong about putting together a budget that is not a Majority Budget that reflects the values of all Maine people and all Representatives here. Keep in mind however, that everyday the news gets worse from Washington. The issues that we are dealing with in supplemental budgets are not the decisions of last legislature alone but they are the decisions emanating out of Washington D.C. everyday. We can make no commitment on our part to say that we will not have supplementary budgets when we know that the landscape of our finances in this country are now in serious turmoil. So it is with that that we will move forward as we have, and with sincerity to work together.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. When the vote is taken I ask for a roll call vote. The people I work for are the people who put me in this seat and I think its nice that we can all work together but I cannot support 17 million dollars for the BETR program when we are cutting mental health and all kinds of programs that effect my people everyday thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. I just can't...I didn't know, but I might be outgunned here by Representative Millett from Waterford. As old war horses - we'll I'm speaking for myself, Representative Millett - I just wanted to help people remember the good old days of super-majority budgets. I long for those days, and in my earlier career here in the House and the Senate we always had those. However, I'll have to tell you that during and certain period in the early nineties when we had majority budgets- we had not majority budgets - when we had two-thirds budgets we still had supplementary budget on supplementary budget on supplementary budget. I remember the agony of the fall, as well as the winter of the second year, after we have made some horrendous cuts and we just had to do that. Those were the days

of a Republican Governor and a Democratic House and Senate. We did work together; we fought together; we actually slept together. We stayed here one night, all night, the state was shut down and the presiding officers did not feel we should go home on that Saturday night and so we brought in Army cots and we did all sleep here in the state house. So supplemental budgets unfortunately cannot be headed off even by great comradery and great work in having a super-majority. I hope we don't have to have that kind of repetition here in mid-2005, but I just wanted to talk about the old days. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. Representative Brannigan has mentioned the good ole` days. I would like to disabuse you of one possible misleading comment. He and I never slept together, and while I can confirm that there were nights when none of us slept and we worked around the clock, I don't wish to return to those days and I don't think any of us here today do. I would point out that - and I think its good to have this brief discussion of the importance of working together - attempting to do supplemental budgets only when needed, and to do them with some appropriate screening criteria upfront. I think we have done a great job this year in doing that The difference that I would just point out for brief comparison is that we did have supplementals in the early `90s and it was a routine that almost became frustratingly frequent. The differences, then and now however, were that revenues were in continuing decline over a period of nearly three years. We are actually operating in an economy, which is in the process of recovery. However weak it may seem, however slow it may feel, I think that we need to learn from the situation today, where we have actually built a budget that our means cannot support.

Our revenues are more effective right now in limiting our spending than the spending caps that we adopted two years ago and in Chapter 2 earlier this year. We are actually faced with a need to take a look back constantly at how fast our government has grown and how fast it has outpaced the resources available to us. Having said that, and casting no aspersions whatsoever on previous sessions or previous proposals, I do think we are on a course where we can do it better and I hope today you will recognize the good work that has occurred and the good tone that has been set and that we will continue to work in a bipartisan way to tailor our spending plans in the future to live within our available means. Thank you very much.

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

Representative TWOMEY of Biddeford REQUESTED a roll call on **PASSAGE TO BE ENACTED**

This being an emergency measure, a two-thirds vote of all the members elected to the House necessary, a total was taken.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House necessary, a total was taken.

ROLL CALL NO. 27

YEA - Adams, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn,

Goldman, Grose, Hamper, Hanley B, Hanley S, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Cebra, Crosthwaite, Duprey, Eder, Greeley, Hall, Harlow, Joy, Lansley, Lewin, Lindell, Sykes, Thomas, Twomey, Vaughan.

ABSENT - Annis, Berube, Bryant-Deschenes, Hotham, Ott, Perry, Trahan.

Yes, 129; No, 15; Absent, 7; Excused, 0.

129 having voted in the affirmative and 15 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Bill "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation"

(S.P. 413) (L.D. 1196)

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 Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish"

(S.P. 395) (L.D. 1131)

Bill "An Act Regarding Duties of Hunters Who Participate in the Expanded Archery Deer Hunting Season"

(S.P. 404) (L.D. 1176)

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 Establish Duties for Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities"

(S.P. 407) (L.D. 1179)

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 Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters"

(S.P. 398) (L.D. 1170)

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

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

Resolve, Authorizing Karen Davis To Sue the State

(S.P. 397) (L.D. 1133)

Bill "An Act To Amend the Clean Election Law Regarding Disclaimers on Advertising"

(S.P. 399) (L.D. 1171)

Resolve, Directing the Secretary of State To Design a Process for Early Voting

(S.P. 401) (L.D. 1173)

Bill "An Act To Strengthen Enforcement of the Political Signs Law"

(S.P. 402) (L.D. 1174)

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 Adopt Recommendations of the Soft-shell Clam Advisory Council"

(S.P. 412) (L.D. 1184)

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 Protect Young Drivers"

(S.P. 393) (L.D. 1129)

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 Expunge Criminal Records upon Pardon"

(S.P. 400) (L.D. 1172)

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 Allow a State Champion Cross-country Running Team To Participate in New England Competitions"

(S.P. 394) (L.D. 1130)

Bill "An Act Concerning Diplomas and Students with Disabilities"

(S.P. 403) (L.D. 1175)

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 Regarding Access to Prescription Drugs and Reimportation"

(S.P. 406) (L.D. 1178)

Bill "An Act Regarding Access to Mental Health Services" (EMERGENCY)

(S.P. 411) (L.D. 1183)

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 Encourage Small Water-bottling Companies"

(S.P. 410) (L.D. 1182)

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 Dedicate a Portion of Sales Tax Revenue to Municipalities and Counties"

(S.P. 396) (L.D. 1132)

Bill "An Act To Create a Property Tax Reimbursement for Commercial Dairy Farms"

(S.P. 408) (L.D. 1180)

Bill "An Act To Change the Property Tax Year for the Unorganized Territory"

(S.P. 409) (L.D. 1181)

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

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

Bill "An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services"

(S.P. 392) (L.D. 1128)

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.

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

On motion of Representative DRISCOLL of Westbrook, the House adjourned at 12:05 p.m., until 10:00 a.m., Thursday, March 10, 2005 in honor and lasting tribute to Jane Gray Muskie, of Kennebunk and Washington, D.C.