

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
22nd Legislative Day
Thursday March 10, 2005

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

Prayer by Reverend Edward Hatch, Palermo Christian Church.

National Anthem by John Cote, Lewiston.

Pledge of Allegiance.

The Journal of Tuesday, March 8, 2005 was read and approved.

SENATE PAPERS

Resolve, To Establish an Apprenticeship Program for Shipbuilders

(S.P. 345) (L.D. 1005)

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

REFERRED to the Committee on LABOR in concurrence.

Non-Concurrent Matter

Bill "An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid"

(H.P. 557) (L.D. 780)

REFERRED to the Committee on UTILITIES AND ENERGY in the House on February 15, 2005.

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

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

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)

REFERRED to the Committee on JUDICIARY in the House on March 2, 2005.

Came from the Senate REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

COMMUNICATIONS

The Following Communication: (H.C. 77)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 136 An Act To Allow an Appeal for Cancellation of Commercial Insurance

L.D. 414 An Act To Require a Credit Card To Contain the Photo and Signature of the Cardholder

We have also notified the sponsors and cosponsors of each bill listed 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. 78)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 3, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 57 An Act To Provide Free Tuition to Students Achieving Learning Results Standards

L.D. 186 An Act To Provide Certain Students with Full Tuition for State Institutions of Higher Learning

L.D. 363 Resolve, To Study the Feasibility of Establishing a Football Program at the University of Southern Maine

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

Sincerely,

S/Sen. Elizabeth H. Mitchell

Senate Chair

S/Rep. Jacqueline Norton

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

Resolve, Establishing a Study Committee To Examine Methods To Assist the Potato Industry

(H.P. 842) (L.D. 1224)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator BRYANT of Oxford and Representatives: JENNINGS of Leeds, LUNDEEN of Mars Hill, PARADIS of Frenchville, PINEAU of Jay, PIOTTI of Unity, SHERMAN of Hodgdon, Senator: MARTIN of Aroostook.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Strengthen Community Health Centers and Indian Health Centers"

(H.P. 834) (L.D. 1216)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CAMPBELL of Newfield, CURLEY of Scarborough, JACOBSEN of Waterboro, MARRACHÉ of Waterville, MOORE of the Passamaquoddy Tribe, MUSE of Fryeburg, SHIELDS of Auburn, Senator: HASTINGS of Oxford.

Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources"

(H.P. 852) (L.D. 1234)

Sponsored by Representative KAELIN of Winterport.
Cosponsored by Senator WESTON of Waldo and Representatives: DUGAY of Cherryfield, FISHER of Brewer, FLETCHER of Winslow, LERMAN of Augusta, LINDELL of Frankfort, NUTTING of Oakland, PERCY of Phippsburg, Senator: DAMON of Hancock.

Bill "An Act To Amend the Laws Governing the State Planning Office"

(H.P. 864) (L.D. 1246)

Sponsored by Representative HUTTON of Bowdoinham.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: KOFFMAN of Bar Harbor, THOMPSON of China, TWOMEY of Biddeford.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative BRANNIGAN of Portland, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Resolve, To Benefit the Creative Economy

(H.P. 833) (L.D. 1215)

Sponsored by Representative SAVIELLO of Wilton.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, DUCHESNE of Hudson, DUPLESSIE of Westbrook, EBERLE of South Portland, KOFFMAN of Bar Harbor, Senator: COWGER of Kennebec.

Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing"

(H.P. 843) (L.D. 1225)

Sponsored by Representative PERRY of Calais.
Cosponsored by Senator PERRY of Penobscot and Representative: BRANNIGAN of Portland, Senators: MAYO of Sagadahoc, MITCHELL of Kennebec, ROSEN of Hancock, SNOWE-MELLO of Androscoggin.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend the Sentencing Laws"

(H.P. 855) (L.D. 1237)

Sponsored by Representative TARDY of Newport.
Cosponsored by Senator NASS of York and Representatives: BLANCHETTE of Bangor, CARR of Lincoln, FAIRCLOTH of

Bangor, GERZOFKY of Brunswick, GREELEY of Levant, PLUMMER of Windham, SYKES of Harrison, Senator: DIAMOND of Cumberland.

Bill "An Act To Protect Children from Individuals Who Have Engaged in Sexual Abuse of Children in the Past"

(H.P. 850) (L.D. 1232)

Sponsored by Representative FAIRCLOTH of Bangor.
Cosponsored by Representative: PELLETIER-SIMPSON of Auburn.

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

On motion of Representative BLANCHETTE of Bangor, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures"

(H.P. 828) (L.D. 1200)

Sponsored by Representative FINCH of Fairfield.
Cosponsored by Representatives DAVIS of Falmouth, MAKAS of Lewiston, STEDMAN of Hartland, Senator: MILLS of Somerset.
Submitted by the Department of Education pursuant to Joint Rule 204.

Resolve, To Replace the Current Assessment Exams with a More Appropriate Test

(H.P. 839) (L.D. 1221)

Sponsored by Representative SAVIELLO of Wilton.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: BARSTOW of Gorham, DUGAY of Cherryfield, FARRINGTON of Gorham, FINCH of Fairfield, MERRILL of Appleton.

HEALTH AND HUMAN SERVICES

Bill "An Act To Create Consistency in the Regulation of Small Group Homes"

(H.P. 846) (L.D. 1228)

Sponsored by Representative LERMAN of Augusta.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles"

(H.P. 838) (L.D. 1220)

Sponsored by Representative SMITH of Monmouth.
Cosponsored by Representative MARLEY of Portland, Senator COWGER of Kennebec and Representatives: CARR of Lincoln, FISCHER of Presque Isle, GERZOFKY of Brunswick, MILLS of Farmington, PINEAU of Jay, PIOTTI of Unity, WATSON of Bath, Senator: WOODCOCK of Franklin.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Regarding Cancellation of Disability Insurance"

(H.P. 840) (L.D. 1222)

Sponsored by Representative LERMAN of Augusta.

Bill "An Act To Provide Enhanced Information to Consumers of Health Care"

(H.P. 860) (L.D. 1242)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BRYANT of Windham, CRAVEN of Lewiston, FAIRCLOTH of Bangor, MAKAS of Lewiston, PARADIS of Frenchville, SMITH of Van Buren, THOMPSON of China, Senator: SULLIVAN of York.

JUDICIARY

Bill "An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates"

(H.P. 830) (L.D. 1212)

Sponsored by Representative COLLINS of Wells.

Cosponsored by Senator NASS of York and Representatives: BIERMAN of Sorrento, CLARK of Millinocket, CLOUGH of Scarborough, McCORMICK of West Gardiner, PINEAU of Jay, SEAVEY of Kennebunkport, WATSON of Bath, Senator: COURTNEY of York.

Bill "An Act To Strengthen the Enforcement of Divorce Decrees"

(H.P. 847) (L.D. 1229)

Sponsored by Representative McKENNEY of Cumberland.

Cosponsored by Senator: TURNER of Cumberland.

Resolve, To Increase Safety for Domestic Abuse Victims (EMERGENCY)

(H.P. 863) (L.D. 1245)

Sponsored by Representative BARSTOW of Gorham.

Cosponsored by Senator HOBBS of York and Representatives: BISHOP of Boothbay, BURNS of Berwick, CAIN of Orono, FARRINGTON of Gorham, GROSE of Woolwich, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, SAVIELLO of Wilton.

LABOR

Bill "An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System"

(H.P. 825) (L.D. 1197)

Sponsored by Representative MILLER of Somerville.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: CAMPBELL of Newfield, DUPLESSIE of Westbrook.

Bill "An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections"

(H.P. 832) (L.D. 1214)

Sponsored by Representative CLARK of Millinocket.

Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act

(H.P. 841) (L.D. 1223)

Sponsored by Representative BISHOP of Boothbay.

Cosponsored by Senator DOW of Lincoln and Representatives: BRYANT of Windham, CLARK of Millinocket, EDGECOMB of Caribou, FLETCHER of Winslow, FLOOD of Winthrop, JODREY of Bethel, RECTOR of Thomaston, SCHATZ of Blue Hill.

Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY)

(H.P. 854) (L.D. 1236)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Representatives: GERZOFKY of Brunswick, HUTTON of Bowdoinham, JACKSON of Fort Kent, PATRICK of Rumford, SMITH of Van Buren, Senators: BARTLETT of Cumberland, STRIMLING of Cumberland.

Bill "An Act To Ensure Compliance with Safety Regulations"

(H.P. 856) (L.D. 1238)

Sponsored by Representative PINEAU of Jay.

Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, CLARK of Millinocket, JACKSON of Fort Kent, WHEELER of Kittery, Senator: MARTIN of Aroostook.

Bill "An Act To Modify Labor Laws with Regard to Minor Workers"

(H.P. 865) (L.D. 1247)

Sponsored by Representative THOMPSON of China.

Cosponsored by Senator COWGER of Kennebec and Representatives: BROWNE of Vassalboro, FLETCHER of Winslow, JACKSON of Fort Kent, MOODY of Manchester, PERCY of Phippsburg, PIOTTI of Unity.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Fund Pesticide Education in the State"

(H.P. 845) (L.D. 1227)

Sponsored by Representative BLANCHARD of Old Town.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BARSTOW of Gorham, CAIN of Orono, MILLER of Somerville, SAVIELLO of Wilton, SCHATZ of Blue Hill, SMITH of Monmouth, Senator: NUTTING of Androscoggin.

Bill "An Act To Promote Clean Elections in Maine"

(H.P. 857) (L.D. 1239)

Sponsored by Representative GLYNN of South Portland.

MARINE RESOURCES

Bill "An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements"

(H.P. 831) (L.D. 1213)

Sponsored by Representative SCHATZ of Blue Hill. (BY REQUEST)

Bill "An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry"

(H.P. 849) (L.D. 1231)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator DAMON of Hancock.

NATURAL RESOURCES

Resolve, Directing the Department of Environmental Protection To Coordinate Regulation of Activities in Sand and Gravel Pits

(H.P. 836) (L.D. 1218)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Representatives: DUCHESNE of Hudson, EBERLE of South Portland, SAVIELLO of Wilton, THOMPSON of China, TWOMEY of Biddeford, Senator: COWGER of Kennebec.

Bill "An Act To Improve the Business Climate in Maine"

(H.P. 837) (L.D. 1219)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator WOODCOCK of Franklin and Representatives: CARR of Lincoln, CLARK of Millinocket, DUGAY of Cherryfield, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, JACKSON of Fort Kent, MOODY of Manchester.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Facilitate and Promote Regional Cooperation"

(H.P. 848) (L.D. 1230)

Sponsored by Representative SHIELDS of Auburn.

Cosponsored by Senator CLUKEY of Aroostook and Representatives: BERUBE of Lisbon, JOY of Crystal, O'BRIEN of Lewiston, SAMPSON of Auburn, SAVIELLO of Wilton, Senators: DAVIS of Piscataquis, DIAMOND of Cumberland, NUTTING of Androscoggin.

Bill "An Act To Make Election Day a State Holiday"

(H.P. 861) (L.D. 1243)

Sponsored by Representative EDER of Portland.

Cosponsored by Representative MARLEY of Portland.

TAXATION

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Property Valuation Increases for Persons 65 Years of Age or Older or Disabled Persons

(H.P. 827) (L.D. 1199)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Amend the Laws Governing the Taxation of Time-share Estates"

(H.P. 844) (L.D. 1226)

Sponsored by Representative COLLINS of Wells.

Cosponsored by Senator NASS of York and Representatives: BIERMAN of Sorrento, CLARK of Millinocket, CLOUGH of Scarborough, McCORMICK of West Gardiner, PINEAU of Jay, SEAVEY of Kennebunkport, WATSON of Bath, Senator: COURTNEY of York.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That a Citizen-initiated Measure That Imposes a New or Increased Tax or Fee Be Approved by the Legislature and Signed by the Governor

(H.P. 853) (L.D. 1235)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: ANNIS of Dover-Foxcroft, CEBRA of Naples, COLLINS of Wells, DAIGLE of Arundel, DUPREY of Hampden, HAMPER of Oxford, LEWIN of Eliot, Senator: HASTINGS of Oxford.

Bill "An Act To Change the Maine Income Tax Rates"

(H.P. 858) (L.D. 1240)

Sponsored by Representative CRESSEY of Cornish.

Cosponsored by Senator NASS of York and Representatives: AUSTIN of Gray, BIERMAN of Sorrento, BISHOP of Boothbay, HAMPER of Oxford, JACOBSEN of Waterboro, LANSLEY of Sabattus, McLEOD of Lee, Senator: ANDREWS of York.

Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"

(H.P. 862) (L.D. 1244)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BIERMAN of Sorrento, CLARK of Millinocket, LERMAN of Augusta, PATRICK of Rumford, PINEAU of Jay, WATSON of Bath, WOODBURY of Yarmouth, Senator: PERRY of Penobscot.

TRANSPORTATION

Bill "An Act To Permit the Expanded Use of Changeable Signs for Governmental Entities and Public Facilities"

(H.P. 829) (L.D. 1211)

Sponsored by Representative SAMPSON of Auburn.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BLANCHETTE of Bangor, CANAVAN of Waterville, CRAVEN of Lewiston, GERZOFISKY of Brunswick, HANLEY of Gardiner, KOFFMAN of Bar Harbor, O'BRIEN of Lewiston, WALCOTT of Lewiston.

Bill "An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects"

(H.P. 835) (L.D. 1217)

Sponsored by Representative MILLETT of Waterford.

Cosponsored by Senator NASS of York and Representative: NUTTING of Oakland.

Bill "An Act To Reorganize the Northern New England Passenger Rail Authority"

(H.P. 851) (L.D. 1233)

Sponsored by Representative GERZOFISKY of Brunswick.

Cosponsored by President EDMONDS of Cumberland and Representatives: ASH of Belfast, FISCHER of Presque Isle, FISHER of Brewer, HUTTON of Bowdoinham, PELLETIER-SIMPSON of Auburn, Speaker RICHARDSON of Brunswick, WEBSTER of Freeport, WHEELER of Kittery.

UTILITIES AND ENERGY

Bill "An Act To Promote Responsible Advertising by Public Utilities"

(H.P. 826) (L.D. 1198)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BLISS of South Portland, DUDLEY of Portland, MILLER of Somerville, MILLS of Farmington, Senators: COWGER of Kennebec, MILLS of Somerset.

ORDERS

On motion of Representative BARSTOW of Gorham, the following Joint Order: (H.P. 859)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, legislation to repeal boards and commissions that are inactive based on a list of boards and commissions produced by the Secretary of State.

READ and PASSED.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 26)

ORDERED, that Representative Christopher R. Barstow of Gorham be excused Tuesday, February 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Berube of Lisbon be excused Thursday, February 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Tuesday, February 22nd, Tuesday, March 1st and Wednesday, March 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David W. Farrington of Gorham be excused Thursday, February 10th and Wednesday, February 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles D. Fisher of Brewer be excused Tuesday, February 22nd and Thursday, February 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stan Gerzofsky of Brunswick be excused Tuesday, February 22nd and Thursday, February 24th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Darren M. Hall of Holden be excused Tuesday, February 8th and Thursday, February 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Jacobsen of Waterboro be excused Tuesday, February 15th and Wednesday, February 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeff Kaelin of Winterport be excused Tuesday, February 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Boyd P. Marley of Portland be excused Tuesday, February 22nd and Thursday, February 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Wednesday, February 16th, Tuesday, February 22nd and Thursday, February 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth S. Miller of Somerville be excused Thursday, February 24th for legislative business.

AND BE IT FURTHER ORDERED, that Representative David N. Ott of York be excused Tuesday, March 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused Tuesday, March 8th for legislative business.

READ and PASSED.

CONSENT CALENDAR
Second Day

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

(H.P. 67) (L.D. 71) Bill "An Act To Amend the Law Pertaining to Nitrous Oxide Systems"

(H.P. 186) (L.D. 247) Bill "An Act To Limit Terms for Members of the State Board of Education"

(H.P. 298) (L.D. 395) Bill "An Act Concerning Street Rod Standards"

(H.P. 26) (L.D. 23) Bill "An Act To Establish Charity Appreciation Week" (C. "A" H-24)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Assist Cellular Telephone Users" (H.P. 265) (L.D. 352)

Signed:

Senators:

BARTLETT of Cumberland

COWGER of Kennebec

WESTON of Waldo

Representatives:

CURTIS of Madison

FITTS of Pittsfield

RINES of Wiscasset

McLEOD of Lee

BRAUTIGAM of Falmouth

FLETCHER of Winslow

RICHARDSON of Skowhegan

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

Signed:

Representatives:

BLISS of South Portland

BABBIDGE of Kennebunk

ADAMS of Portland

Representative BLISS of South Portland moved the Majority **Ought Not to Pass** Report

READ.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I really am not interested in debating this issue I just want to have a chance for us to understand what this bill is about and what my committee hopes to do with it. This is a bill that came to us from a constituent of one of the members of the Committee who does a lot of traveling and was concerned that his cellular telephone company made it very difficult for him to find out how many minutes he had left in his plan any given month. So his request

to us was that we require cellular telephone companies to find a way to very quickly and easily allow people to access that information via their cellular phone without charges. We heard a great deal of information about changing technologies. We heard a great deal of information about the potential increase in cost to the consumer if individual states placed different requirements on cellular telephone companies since they operate with national plans. Ultimately, since the Governor has made cellular telephone coverage one of his priorities, created a task force, and asked people from business and industry, as well as from the public sector, to join that task force, it makes sense for us at this point to lay this problem at the feet of that task force. Therefore Mr. Speaker I urge acceptance of the Majority Ought Not to Pass Report. Thank you.

Subsequently, The Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 414)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 15, 2005, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

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

On motion of Representative TRAHAN of Waldoboro, the House adjourned at 10:49 a.m., until 10:00 a.m., Tuesday, March 15, 2005 pursuant to the Joint Order (S.P. 414) in honor and lasting tribute to Sgt. Andrew Bossert, who was killed in Iraq.