

# 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  
24th Legislative Day  
Thursday, March 17, 2005

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

Prayer by Honorable Margaret M. Craven, Lewiston.

National Anthem by Brien Hoye, Portland.

Pledge of Allegiance.

Doctor of the day, George Davis, M.D., Augusta.

The Journal of Tuesday, March 15, 2005 was read and approved.

Representative PELLETIER-SIMPSON of Auburn assu med the Chair.

The House was called to order by the Speaker Pro Tem.

**SENATE PAPERS**

Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records

(S.P. 416) (L.D. 1202)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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

**Non-Concurrent Matter**

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

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

**REFERRED** to the Committee on **NATURAL RESOURCES** in the House on March 10, 2005.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 84)

**STATE OF MAINE**

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

March 10, 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. 116 An Act To Ensure Funding for After-school Programs

L.D. 556 An Act To Require School Unions To Provide Transportation for Students

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.**

The Following Communication: (H.C. 85)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 14, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 14 An Act To Clarify Eligibility for the Temporary Assistance for Needy Families Program

L.D. 76 Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Payment for Goods and Services

L.D. 154 An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens

L.D. 201 An Act To Discontinue Transitional Child Care Services

L.D. 203 An Act To Make Changes to the ASPIRE-TANF Program

L.D. 266 An Act To Ensure That All Providers of MaineCare Services Are Maine-based Businesses

L.D. 451 An Act To Simplify Application for Benefits and Services under the Department of Health and Human Services

L.D. 481 Resolve, To Ensure That Public Assistance Benefits Do Not Exceed Average Wages for a County

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

Sincerely,

S/Sen. Arthur F. Mayo, III

Senate Chair

S/Rep. Hannah Pingree

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 86)

**STATE OF MAINE**

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

March 10, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 97            An Act To Terminate Payments to the Maine Workers' Compensation Residual Market Pool from the Maine Insurance Guaranty Association

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

Sincerely,  
S/Sen. Nancy B. Sullivan  
Senate Chair  
S/Rep. Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 87)

**STATE OF MAINE**

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

March 14, 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. 568            An Act To Eliminate the Minimum Premium for Workers' Compensation Insurance

L.D. 590            An Act Regarding Medical Malpractice Insurance Rate Filings

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.**

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The Following Communication: (H.C. 88)

**STATE OF MAINE**

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

March 8, 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 bill out "Ought Not to Pass":

L.D. 92            An Act To Provide for Sales Tax Exemption Reciprocity for School Groups Visiting Other Jurisdictions

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

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 89)

**STATE OF MAINE**

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

March 10, 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 bill out "Ought Not to Pass":

L.D. 507            An Act To Establish Individual Medical Savings Accounts

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

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 90)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 10, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 276            An Act To Provide Fair and Equitable Local Calling Service for the People of the State

L.D. 330            An Act To Protect Utility Customers from Imprudently Incurred Costs

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

Sincerely,  
S/Sen. Philip L. Bartlett II  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 426)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122nd Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:  
Please be advised that Governor John E. Baldacci has nominated Ronald Daigle of Fort Kent for appointment as a Judge of the Maine District Court.

Pursuant to Title 4 M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary.

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 **JUDICIARY**.

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

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The Following Communication: (S.P. 427)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Arthur F. Mayo  
Senate Chair, Joint Standing Committee on Health and Human Services  
Rep. Hannah Pingree  
House Chair, Joint Standing Committee on Health and Human Services  
122nd Legislature  
Augusta, ME 04333

Dear Senator Mayo and Representative Pingree:  
Please be advised that Governor John E. Baldacci has nominated Robert McAfee of Portland for reappointment as a member of the Board of Directors of Dirigo Health.

Pursuant to Title 24-A M.R.S.A. §6904, this nomination will require review by the Joint Standing Committee on Health and Human Services.

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 **HEALTH AND HUMAN SERVICES**.

**READ** and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE** and sent for Concurrence.

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The Following Communication: (S.P. 428)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on Business, Research and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research and Economic Development  
122nd Legislature  
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated John Sevigny of Portland for appointment as a member of the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development.

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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The Following Communication: (S.P. 432)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122nd Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:  
Please be advised that Governor John E. Baldacci has nominated Thomas Delahanty of Falmouth for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

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 **JUDICIARY**.

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

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The Following Communication: (S.P. 451)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Ethan Strimling  
Senate Chair, Joint Standing Committee on Labor  
Rep. William J. Smith  
House Chair, Joint Standing Committee on Labor  
122nd Legislature  
Augusta, ME 04333

Dear Senator Strimling and Representative Smith:  
Please be advised that Governor John E. Baldacci has withdrawn his nominations of Joan Kirkpatrick, John Cooney, Rodney Hiltz, Glenn Burroughs, James Mingo and Gary Koocher for appointment to the Workers' Compensation Board.

These nominations are currently pending before the Joint Standing Committee on Labor.

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 **LABOR**.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act To Protect Small Forest Landowners"  
(H.P. 954) (L.D. 1368)

Sponsored by Representative CARR of Lincoln.  
Cosponsored by Representatives: PIOTTI of Unity, SHERMAN of Hodgdon, SMITH of Monmouth, TWOMEY of Biddeford, Senators: NUTTING of Androscoggin, RAYE of Washington.  
Submitted by the Department of Conservation pursuant to Joint Rule 204.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Increase Funding for Meals on Wheels Program"

(H.P. 931) (L.D. 1348)

Sponsored by Representative CAMPBELL of Newfield.  
Cosponsored by Senator NASS of York and Representatives: BOWLES of Sanford, CUMMINGS of Portland, GLYNN of South Portland, PINGREE of North Haven, Speaker RICHARDSON of Brunswick, TARDY of Newport, Senators: DAVIS of Piscataquis, WESTON of Waldo.

Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

(H.P. 955) (L.D. 1369)

Sponsored by Representative RINES of Wiscasset.  
Cosponsored by Representative MILLETT of Waterford, Senator HOBBS of York, Senator ANDREWS of York and Representatives: BLANCHETTE of Bangor, BLISS of South Portland, DUPREY of Hampden, FLETCHER of Winslow, MARLEY of Portland, McCORMICK of West Gardiner, Senators: COWGER of Kennebec, DOW of Lincoln.

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**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Establish the Office of the Small Business Ombudsman"

(H.P. 935) (L.D. 1352)

Sponsored by Representative RECTOR of Thomaston.

Cosponsored by Senator DOW of Lincoln and Representatives: AUSTIN of Gray, BEAUDETTE of Biddeford, BOWEN of Rockport, CLOUGH of Scarborough, CURLEY of Scarborough, EBERLE of South Portland, LANSLEY of Sabattus, SMITH of Monmouth.

Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities (EMERGENCY)

(H.P. 941) (L.D. 1358)

Sponsored by Representative WEBSTER of Freeport.  
Cosponsored by Senator DOW of Lincoln and Representatives: CUMMINGS of Portland, DUDLEY of Portland, FARRINGTON of Gorham, O'BRIEN of Lewiston, SMITH of Monmouth, WATSON of Bath, Senators: BROMLEY of Cumberland, SCHNEIDER of Penobscot.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release"

(H.P. 939) (L.D. 1356)

Sponsored by Representative SYKES of Harrison.

Bill "An Act To Improve the Management and Safety of State Correctional Facilities"

(H.P. 943) (L.D. 1360)

Sponsored by Representative BLANCHETTE of Bangor.  
Cosponsored by Senator CLUKEY of Aroostook and Representatives: CHURCHILL of Washburn, GERZOFKY of Brunswick, GREELEY of Levant, PLUMMER of Windham.  
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act Regarding the Maine Criminal Justice Academy"

(H.P. 945) (L.D. 1362)

Sponsored by Representative BLANCHETTE of Bangor.  
Cosponsored by Representatives: GERZOFKY of Brunswick, SYKES of Harrison, Senators: CLUKEY of Aroostook, DAVIS of Piscataquis, DIAMOND of Cumberland.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting"

(H.P. 932) (L.D. 1349)

Sponsored by Representative PIOTTI of Unity.  
Cosponsored by Senator MILLS of Somerset and Representatives: BRAUTIGAM of Falmouth, LERMAN of Augusta, Senators: COWGER of Kennebec, MARTIN of Aroostook, MITCHELL of Kennebec, ROTUNDO of Androscoggin.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act Regarding the Office of Substance Abuse"

(H.P. 933) (L.D. 1350)

Sponsored by Representative PERRY of Calais.  
Cosponsored by Representatives: MARRACHÉ of Waterville, MAZUREK of Rockland, NUTTING of Oakland, Senator: NUTTING of Androscoggin.

Bill "An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center"

(H.P. 942) (L.D. 1359)

Sponsored by Representative PINGREE of North Haven.  
Cosponsored by Representatives: MILLER of Somerville, SAVIELLO of Wilton, Senator: COWGER of Kennebec.  
Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources"

(H.P. 927) (L.D. 1344)

Sponsored by Representative EDER of Portland.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department

(H.P. 934) (L.D. 1351)

Sponsored by Representative WATSON of Bath.  
Cosponsored by Senator BRYANT of Oxford.

Bill "An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council"

(H.P. 956) (L.D. 1370)

Sponsored by Representative DUDLEY of Portland.  
Cosponsored by Representative: EDER of Portland.

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**JUDICIARY**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights

(H.P. 958) (L.D. 1372)

Sponsored by Representative MILLETT of Waterford.  
Cosponsored by Senator HASTINGS of Oxford and Representative: HANLEY of Paris, Senator: SNOWE-MELLO of Androscoggin.

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**LABOR**

Bill "An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment"

(H.P. 929) (L.D. 1346)

Sponsored by Representative TWOMEY of Biddeford.  
Cosponsored by Senator BRYANT of Oxford and Representatives: BLANCHETTE of Bangor, COLLINS of Wells, EDER of Portland, GOLDMAN of Cape Elizabeth, HUTTON of Bowdoinham, LUNDEEN of Mars Hill, PINEAU of Jay, SMITH of Van Buren.

Bill "An Act To Allow Certain School Employees To Collect Unemployment"

(H.P. 936) (L.D. 1353)

Sponsored by Representative JACKSON of Fort Kent.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Enhance Workplace Safety and Health through Substance Abuse Testing and Treatment"

(H.P. 944) (L.D. 1361)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator MARTIN of Aroostook and Representatives: DUCHESNE of Hudson, MARRACHÉ of Waterville, MAZUREK of Rockland, PIOTTI of Unity, Senator: NUTTING of Androscoggin.

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act To End the Influence of Special Interest Money in Campaign Financing"

(H.P. 928) (L.D. 1345)

Sponsored by Representative EDER of Portland.  
Cosponsored by Representative PATRICK of Rumford.

Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks"

(H.P. 938) (L.D. 1355)

Sponsored by Representative SMITH of Monmouth.  
Cosponsored by Senator HOBBS of York and Representatives: BARSTOW of Gorham, BURNS of Berwick, JACKSON of Fort Kent, TRAHAN of Waldoboro, Senators: MILLS of Somerset, PERRY of Penobscot.  
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Provide Additional Funding for Prescription Drugs for Maine's Elderly"

(H.P. 957) (L.D. 1371)

Sponsored by Representative HOTHAM of Dixfield.  
Cosponsored by Senator NUTTING of Androscoggin and Representatives: ADAMS of Portland, BLANCHARD of Old Town, BROWN of South Berwick, HOGAN of Old Orchard Beach, JODREY of Bethel, LANSLEY of Sabattus, SAVIELLO of Wilton, Senator: RAYE of Washington.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act To Amend the Procedure for Auditing Municipalities" (EMERGENCY)

(H.P. 937) (L.D. 1354)

Sponsored by Representative KAELIN of Winterport.  
Cosponsored by Senator WESTON of Waldo.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

(H.P. 940) (L.D. 1357)

Sponsored by Representative CLOUGH of Scarborough.  
Cosponsored by Senator CLUKEY of Aroostook, Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, BOWLES of Sanford, CARR of Lincoln, DAVIS of Falmouth, SAVIELLO of Wilton, TARDY of Newport, Senator: COURTNEY of York.

Bill "An Act To Give Preference to Companies That Provide Livable Wages and Health Insurance to Their Employees"

(H.P. 952) (L.D. 1366)

Sponsored by Representative LERMAN of Augusta.  
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: ADAMS of Portland, BARSTOW of Gorham, BLANCHARD of Old Town, HARLOW of Portland, SAMPSON of Auburn, SCHATZ of Blue Hill, Senator: STRIMLING of Cumberland.

Bill "An Act To Penalize Companies That Fail To Comply with State Laws"

(H.P. 953) (L.D. 1367)

Sponsored by Representative LERMAN of Augusta.  
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BARSTOW of Gorham, BLANCHARD of Old Town, SAMPSON of Auburn, SCHATZ of Blue Hill.

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**TAXATION**

Bill "An Act To Simplify Rent and Property Tax Relief"

(H.P. 926) (L.D. 1343)

Sponsored by Representative EDER of Portland.  
Cosponsored by Senator STRIMLING of Cumberland and Representatives: HUTTON of Bowdoinham, McCORMICK of West Gardiner, WOODBURY of Yarmouth, Senator: COURTNEY of York.

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**TRANSPORTATION**

Bill "An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)

(H.P. 946) (L.D. 1363)

Sponsored by Representative MARLEY of Portland.  
(GOVERNOR'S BILL)  
Cosponsored by Senator DAMON of Hancock.

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**UTILITIES AND ENERGY**

Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing

(H.P. 930) (L.D. 1347)

Sponsored by Representative PINKHAM of Lexington Township.

Bill "An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls"

(H.P. 959) (L.D. 1373)

Sponsored by Representative ADAMS of Portland.  
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BABBIDGE of Kennebunk, BLISS of South Portland, FITTS of Pittsfield, FLETCHER of Winslow, RINES of Wiscasset, Senator: ROSEN of Hancock.

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**Pursuant to Statute  
Department of Audit**

Representative WOODBURY for the Department of Audit pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06" (EMERGENCY)

(H.P. 947) (L.D. 1364)

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

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

Sent for concurrence.

**ORDERS**

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 948) (Cosponsored by Senator BRENNAN of Cumberland and Representatives: BEAUDETTE of Biddeford, BRANNIGAN of Portland, COLLINS of Wells, CRAVEN of Lewiston, CROSBY of Topsham, DUNN of Bangor, HANLEY of Gardiner, HARLOW of Portland)

**JOINT RESOLUTION TO HONOR ST. PATRICK'S DAY  
AND TO RECOGNIZE THE IRISH CONTRIBUTION TO  
MAINE AND TO THE UNITED STATES**

WHEREAS, St. Patrick's Day is the only national holiday of a country that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, over 150 years ago a massive blight struck Ireland's potato crop, which forced millions of Irish people to emigrate to escape brutal poverty and starvation, and most of those people came to America; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and so many settled in Maine that the census figures in 1850 indicated that Irish-born immigrants made up 11% to 23% of the populations of Maine cities; and

WHEREAS, within a few years of their arrival in the United States and in Maine, the Irish immigrants became part of American society and, while preserving the best of their own culture, dedicated themselves to helping build this nation and this State; and

WHEREAS, the proud history of the Irish in America goes back to colonial times and there have been notable Americans with Irish ancestry from the Revolutionary War to modern times, including recent presidents John Fitzgerald Kennedy and Ronald Reagan; and

WHEREAS, the tradition of celebrating St. Patrick's Day is now a happy annual event no matter what one's heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, encourage the celebration of St. Patrick's Day, recognize the valuable contribution to our State and to our nation by all Irish-American citizens, and urge the citizens of the State to commend and celebrate the integrity and richness of this culture.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative BARSTOW of Gorham, the following Joint Order: (H.P. 950)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on State and Local Government shall study the feasibility of transferring the responsibilities of municipal economic departments to regional economic departments. The Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on State and Local Government shall jointly report out a bill on their findings.

**READ.**

On motion of Representative BOWLES of Sanford, TABLED pending PASSAGE and later today assigned.

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The Chair laid before the House the following item which was TABLED earlier in today's session:

Joint Order directing the Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on State and Local Government shall study



the feasibility of transferring the responsibilities of municipal economic departments to regional economic departments

(H.P. 950)

Which was **TABLED** by Representative BOWLES of Sanford pending **PASSAGE**.

Subsequently, the Joint Order was **PASSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative SCHATZ of Blue Hill, the following Joint Order: (H.P. 951)

**ORDERED**, the Senate concurring, that joint standing committees shall receive testimony from individuals and groups that represent multiple perspectives during public hearings.

**READ**.

On motion of Representative SCHATZ of Blue Hill, the Joint Order was **REFERRED** to the Joint Select Committee on **JOINT RULES** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 27)

**ORDERED**, that Representative Randy E. Hotham of Dixfield be excused Tuesday, March 8th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Tuesday, March 15th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Thomas F. Shields of Auburn be excused Thursday, February 24th for personal reasons.

**READ and PASSED**.

#### **SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Judy Ayotte Paradis, of Frenchville, on her induction into the Maine Women's Hall of Fame. One of few women from Aroostook County so honored, she is now immortalized along with United States Senator Margaret Chase Smith; Olympic Gold Medal Winner Joan Benoit; first female Speaker of the Maine House of Representatives, Elizabeth Mitchell; and former State Senator Chellie Pingree. Well known for her tireless advocacy for people in need, Judy served several years as a French high school teacher in the St. John Valley, instilling self-respect and confidence in her students, especially those in most need of help. As a state legislator for 14 years, she continued her mission of making life better for the residents of Maine. She especially distinguished herself as Senate Chair of the Joint Standing Committee on Health and Human Services, where she presided over endorsements of landmark legislation such as the Maine RX Program and medical insurance coverage for children and the elderly. Even after being term-limited out of the Legislature in 2000, she has continued her exemplary service to people through her membership on several boards and committees. Judy has earned the respect and gratitude of people throughout Maine and we congratulate her on this most recent honor;

(HLS 329)

Presented by Representative PARADIS of Frenchville. Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On **OBJECTION** of Representative PARADIS of Frenchville, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In 1986 I signed on as a campaign worker for my soon-to-become State Representative. I also volunteered on many other jobs like putting up signs and what have you and in 1992 when she ran for the Senate Judy proved that I can also multitask. I took over the job of chauffeur, sign installer, treasurer and so on. When she won - big, too - I also delved into forecasting the margin of victory. So I am very proud that my former Representative, my former Senator, is receiving this honor. By the way, now that she is out of office she is also my unpaid Chief of Staff. I gave her a raise New Years Day but I'm still chauffeur. By the way, we have been married 34 years. Thank you. Congratulations Judy!

Subsequently, was **PASSED** and sent for concurrence.

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

#### **CONSENT CALENDAR**

##### **First Day**

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

(S.P. 50) (L.D. 144) Bill "An Act To Redefine the Boundaries of the Fairfield Sanctuary" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 406) (L.D. 551) Bill "An Act To Amend the Budget Timetable for Oxford County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 34) (L.D. 31) Bill "An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

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

#### **CONSENT CALENDAR**

##### **Second Day**

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

(S.P. 40) (L.D. 98) Bill "An Act To Codify Senate Districts in Statute"

(S.P. 77) (L.D. 224) Bill "An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries"

(H.P. 89) (L.D. 113) Bill "An Act To Allow Animal Control Officers and Individuals Who Collect Trash To Use Flashing Amber Lights on Their Vehicles"

(H.P. 427) (L.D. 594) Bill "An Act To Promote Education in the Unorganized Territory"

(H.P. 141) (L.D. 190) Bill "An Act Relating to the Treatment of Employers and Military Personnel in Connection with 'Call to Duty' Activity" (C. "A" H-26)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence and the House Papers were

**PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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**BILLS IN THE SECOND READING  
Senate as Amended**

Bill "An Act To Change the Name of T8 SD to Fletchers Landing Township"

(S.P. 46) (L.D. 140)  
(C. "A" S-14)

**House**

Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield

(H.P. 164) (L.D. 213)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**

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**ENACTORS**

**Emergency Measure**

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

(S.P. 109) (L.D. 347)  
(S. "A" S-15)

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

On motion of Representative NORTON of Bangor, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Ten Members of the Committee on **LEGAL AND VETERANS AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-28)** on Bill "An Act To Require Valid Identification for All Purchases of Liquor"

(H.P. 73) (L.D. 77)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

OTT of York

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

HOTHAM of Dixfield

MOORE of Standish

BROWN of South Berwick

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

PINKHAM of Lexington Township

One Member of the same Committee reports in Report "C" **Ought to Pass** on same Bill.

Signed:

Representative:

BLANCHETTE of Bangor

Representative MOORE of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-28)**.

**READ.**

On motion of Representative PATRICK of Rumford, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-28)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 22, 2005.

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**SENATE PAPERS**

The following Joint Order: (S.P. 452)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 22, 2005, at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

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Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually

(S.P. 457) (L.D. 1330)

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority"

(S.P. 466) (L.D. 1339)

Bill "An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing"

(S.P. 467) (L.D. 1340)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Resolve, Directing the Board of Trustees of the University of Maine System To Institute a Statewide Sports Program

(S.P. 453) (L.D. 1326)

Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County

(S.P. 459) (L.D. 1332)

Bill "An Act To Allow School Board Members To Perform Certain Functions in the School"

(S.P. 461) (L.D. 1334)

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 End Discrimination"

(S.P. 471) (L.D. 1365)

Bill "An Act To Preserve the Medical Liability Climate in the State by Capping Noneconomic and Punitive Damages"

(S.P. 476) (L.D. 1378)

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 Require the Workers' Compensation Board To Use the 5th Edition 'Guides to the Evaluation of Permanent Impairment' in Assessing Workers' Compensation Injuries Involving the Spinal Column"

(S.P. 456) (L.D. 1329)

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 Add Value to Maine Agricultural Products" (EMERGENCY)

(S.P. 462) (L.D. 1335)

Bill "An Act To Promote Economic Development in Commercial and Downtown Areas of the State" (EMERGENCY)

(S.P. 463) (L.D. 1336)

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 Prohibit the Use of Mercury Fillings"

(S.P. 454) (L.D. 1327)

Bill "An Act To Limit Human Exposure to Mercury"

(S.P. 465) (L.D. 1338)

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 Set a Deadline for Responses to State Employees Seeking Job Reclassifications or Range Changes"

(S.P. 458) (L.D. 1331)

Bill "An Act To Require a Surcharge on Probate Documents"

(S.P. 472) (L.D. 1374)

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

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

Resolve, To Require the Department of Transportation To Improve Highway Signs in the Greater Augusta Area

(S.P. 460) (L.D. 1333)

Bill "An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel"

(S.P. 464) (L.D. 1337)  
 Bill "An Act To Amend the Motor Vehicle Laws"

(S.P. 468) (L.D. 1341)

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 Amend the Maine Tree Growth Tax Law To Encourage Public Access"

(S.P. 455) (L.D. 1328)

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

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

Bill "An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers"

(S.P. 469) (L.D. 1342)

Bill "An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits"

(S.P. 473) (L.D. 1375)

Bill "An Act Regarding Municipally Owned Street Lighting"

(S.P. 475) (L.D. 1377)

Bill "An Act To Amend the Maine Wind Energy Act"

(S.P. 477) (L.D. 1379)

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.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth, who wishes to address the House on the record.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. On this St. Patrick's Day I note that some children have fond memories, those of us who have fond memories of our childhood, being taught lullabies at our fathers knee, but not me. I was taught a song about drinking and death. In other words, it was an Irish song. Now, some of you would wonder why I would sing a song called "The Parting Glass" at 11:05 in the morning, but in my family, and at my alma mater, the University of Notre Dame and at Maynooth College where I studied in Ireland and at law school in San Francisco - which has one of the highest Irish populations in this country - this was about the time of day when we'd finished after a long night of philosophy and art and literature, for which the Irish people are so well known. So without further ado, "The Parting Glass":

(Continues in song)

Oh of all the money that 'ere I spent,

I spent it in good company.

And all the harm that 'ere I done,

Alas it was to none but me.

And all I'd done for want of wit,

To memory now I can't recall.

So fill to me the parting glass,

Goodnight and joy be with you all.

Oh, of all the comrades that 'ere I had are sorry for my going away,

And all the sweethearts that 'ere I kissed would wish me one more night to stay.

But since it falls unto my lot,  
That I should rise and you should not,  
I'll gently rise and I'll softly call,  
Goodnight and joy be with you all! God bless!

On this St. Patrick's Day, Mr. Speaker, I wish to remember and dedicate the singing of this song to my grandmother Kathleen Moira Patrice O'Flanagan-Faircloth. I'm not making that name up, and my grandmother who died many years ago was the first person who I remember that would treat me when I was little boy, in conversation, as if I were an adult and she would talk to me - and some people don't do that now - but she would talk to me about history and politics and the Irish people and she remembered, she told me, seeing the signs herself that said "No Irish Need Apply", and so in her memory I'd like to remember what she used to tell me: It is the job of the Irish to find out who's getting the short end of the stick; who's getting the raw end of a deal; who's on the losing end of a fight and get on their side. Thank you!

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

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On motion of Representative FAIRCLOTH of Bangor, the House adjourned at 11:12 a.m., until 10:00 a.m., Tuesday, March 22, 2005 pursuant to the Joint Order (S.P. 452).