

# 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  
25th Legislative Day  
Tuesday, March 22, 2005

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

Prayer by Pastor Norman Boulay, Phillips Shared Ministry and Kingfield United Methodist Church.

National Anthem by Memorial Middle School 8th Grade Saxophone Quartet, South Portland.

Pledge of Allegiance.

Doctor of the day, Kevin Kendall, M.D., Freeport.

The Journal of Thursday, March 17, 2005 was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 470)

**JOINT RESOLUTION MEMORIALIZING THE  
CONGRESS OF THE UNITED STATES AND THE  
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY TO CONTROL MERCURY AS A HAZARDOUS  
AIR POLLUTANT**

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 and the United States Environmental Protection Agency, as follows:

WHEREAS, mercury is a poison that poses a significant risk to unborn and newborn children, wildlife and the environment, and the United States Food and Drug Administration has warned that women and children need to severely limit consumption of certain fish contaminated by mercury; and

WHEREAS, according to the United States Environmental Protection Agency, at least 1/3 of all mercury emissions can be attributed to coal-fired power plants; and

WHEREAS, according to the federal Clean Air Act Amendments of 1990, toxic substances such as mercury must be controlled by the "maximum achievable control technology" standard; and

WHEREAS, 2 years ago, the United States Environmental Protection Agency estimated that, under a maximum achievable control technology standard, power plants using existing technologies could reduce 90% of mercury emissions from power plants, bringing mercury emissions down from 49 tons to roughly 5 tons per year by 2008; and

WHEREAS, the United States Environmental Protection Agency now has proposed legislation for mercury that allows a significant delay for cleaning up power plant mercury emissions and imposes a standard that is far weaker than the maximum achievable control technology standard and is not protective of public health; and

WHEREAS, these proposed changes would in effect treat the mercury emissions of power plants as nonhazardous air pollution and allow power plants to emit 6 to 7 times more mercury into the nation's air, for a decade longer, than the Clean Air Act allows; and

WHEREAS, the United States Environmental Protection Agency proposes changes to allow power plants to purchase pollution credits from other cleaner plants and avoid reducing mercury emissions altogether, which increases the chances that toxic "hotspots" could develop in communities where deposition is more prevalent; and

WHEREAS, Section 116 of the Clean Air Act preserves the authority of the states to establish and enforce more stringent air quality and emissions standards; and

WHEREAS, by establishing a cap-and-trade program for mercury, the proposed regulations could have the effect of preempting a state's ability to set its own emissions standards; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States and the United States Environmental Protection Agency control mercury as a hazardous air pollutant as required by the Clean Air Act; and be it further

RESOLVED: The We, your Memorialists, encourage the United States Environmental Protection Agency to stop pursuing a cap-and-trade program that could interfere with the ability of states to achieve maximum control of mercury emissions from power plants based on state health standards, fish advisories and other factors; and be it further

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

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

**READ** and **ADOPTED** in concurrence.

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The following Joint Resolution: (S.P. 478)

**JOINT RESOLUTION RECOGNIZING SUNSHINE  
WEEK, MARCH 13-19**

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week is established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, the issue is important in the State of Maine especially, since we have been currently addressing public access bills in this legislative session; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 13-19, 2005 and that we confirm the basic principles of an open and accessible government in a free society and we join Governor John E. Baldacci in urging all citizens to join in this observance.

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

**READ** and **ADOPTED** in concurrence.

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Bill "An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements"

(S.P. 338) (L.D. 998)

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

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

On motion of Representative BRANNIGAN of Portland, **TABLED** pending **REFERENCE** and later today assigned.

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Bill "An Act To Amend the Laws Governing the Right to Periodic Review under the Maine Juvenile Code"

(S.P. 474) (L.D. 1376)

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

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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**Non-Concurrent Matter**

Resolve, To Ensure the Effective Implementation of Alewife Restoration on the Sebasticook River Watershed

(H.P. 921) (L.D. 1322)

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in the House on March 15, 2005.

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

The House voted to **ADHERE**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 91)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 538 An Act Requiring Dog Owners To Obtain Dog License Vouchers at the Time of Obtaining Rabies and Other Immunizations

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. John F. Piotti

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 92)

**STATE OF MAINE**

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

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

L.D. 54 An Act To Reduce Workers' Compensation Costs for Small Business Employers

L.D. 393 An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges

L.D. 540 An Act To Clarify the Rate of Interest on Awards for Workers' Compensation Benefits

L.D. 569 An Act To Correct an Inequity in Calculating Maine State Retirement Benefits

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.**

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The Following Communication: (H.C. 93)

**STATE OF MAINE**

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

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

L.D. 324 An Act To Clarify Ownership and Management of Architectural Firms

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 94)

**STATE OF MAINE**

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

March 17, 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. 305 An Act To Encourage the Use of Clean Fuel Vehicles
- L.D. 598 An Act To Provide an Income Tax Modification for the Federal Empowerment Zone Employment Credit
- L.D. 745 An Act To Clarify the Definition of "Grocery Staples" To Include Pure Maple Syrup under the Tax Laws
- L.D. 747 An Act To Provide a Sales Tax Exemption during the Holiday Season for Nonprofit Organizations That Purchase Gifts for Underprivileged Children
- L.D. 778 An Act To Exempt the Sale of Electric, Hybrid or Hydrogen-Fueled Vehicles from State Sales Tax and Excise Tax
- L.D. 782 An Act To Provide a Capital Gains Tax Exemption for the Sale of a Business or Unimproved Property for a Taxpayer 50 Years of Age or Older
- L.D. 785 An Act To Allow Employers To Take a Tax Deduction for Their Employees' Transportation Costs

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. 95)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
 COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 17, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 251 An Act To Amend the Laws Governing Custodian Release Conditions
- L.D. 280 An Act To Amend the Penalties Involving High-speed Vehicle Pursuits
- L.D. 534 An Act To Clarify the Authority of the Maine State Police

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

Sincerely,  
 S/Sen. Bill Diamond  
 Senate Chair  
 S/Rep. Patricia A. Blanchette  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 104)

**MAINE SENATE  
 122ND LEGISLATURE  
 OFFICE OF THE SECRETARY**

March 17, 2005  
 Honorable John Richardson  
 Speaker of the House  
 2 State House Station  
 Augusta, ME 04333-0002

Dear Speaker Richardson:  
 In accordance with 3 M.R.S.A. §157 and Joint Rule 505 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Labor, the nomination of Paul R. Dionne of Lewiston for reappointment to the Workers' Compensation Board.

Sincerely,  
 S/Joy J. O'Brien  
 Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**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:

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act To Amend Certain Milk and Milk Products Laws"  
 (H.P. 990) (L.D. 1426)

Sponsored by Representative SMITH of Monmouth.  
 Cosponsored by Senator NUTTING of Androscoggin and Representative: PIOTTI of Unity.

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

Bill "An Act To Reestablish the Milk Handling Fee"  
 (H.P. 996) (L.D. 1432)

Sponsored by Representative LERMAN of Augusta.  
 Cosponsored by Representative MILLS of Farmington, Senator MILLS of Somerset, Senator PERRY of Penobscot and Representatives: HUTTON of Bowdoinham, McCORMICK of West Gardiner, PATRICK of Rumford, PINEAU of Jay, PIOTTI of Unity, Speaker RICHARDSON of Brunswick, SMITH of Monmouth, WATSON of Bath.

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act Regarding the Licensing of Foresters"  
 (H.P. 960) (L.D. 1383)

Sponsored by Representative CAMPBELL of Newfield.  
 Cosponsored by Senator NASS of York and Representatives: CARR of Lincoln, JENNINGS of Leeds, JODREY of Bethel, LUNDEEN of Mars Hill, PINEAU of Jay, SHERMAN of Hodgdon, Senators: BRYANT of Oxford, RAYE of Washington.

Bill "An Act To Amend Dental Hygienist Licensing Requirements"  
 (H.P. 962) (L.D. 1385)

Sponsored by Representative THOMAS of Ripley.  
 Cosponsored by Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, CLARK of Millinocket, FLETCHER of Winslow, HOGAN of Old Orchard

Beach, PINEAU of Jay, PINKHAM of Lexington Township, RICHARDSON of Carmel, RICHARDSON of Warren.

Bill "An Act To Protect Consumers Regarding Motor Vehicle Rentals"

(H.P. 976) (L.D. 1412)

Sponsored by Representative PELLETIER-SIMPSON of Auburn.

Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

(H.P. 987) (L.D. 1423)

Sponsored by Representative BURNS of Berwick.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BABBIDGE of Kennebunk, BARSTOW of Gorham, BLISS of South Portland, DUDLEY of Portland, FAIRCLOTH of Bangor, GERZOFKY of Brunswick, HARLOW of Portland, WHEELER of Kittery.

Bill "An Act Regarding the Scope of Practice of Registered Cardiovascular Invasive Specialists"

(H.P. 991) (L.D. 1427)

Sponsored by Representative CLOUGH of Scarborough.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, AUSTIN of Gray, CURLEY of Scarborough, McCORMICK of West Gardiner, RECTOR of Thomaston, SEAVEY of Kennebunkport, Senators: BROMLEY of Cumberland, HOBBS of York.

Bill "An Act Concerning the Measurement of Firewood"

(H.P. 1005) (L.D. 1441)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator MARTIN of Aroostook and Representatives: JACKSON of Fort Kent, TRAHAN of Waldoboro.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant"

(H.P. 1007) (L.D. 1443)

Sponsored by Representative BLANCHETTE of Bangor.

Cosponsored by Senator CLUKEY of Aroostook and Representatives: CHURCHILL of Washburn, DAVIS of Augusta, FISHER of Brewer, GERZOFKY of Brunswick, HANLEY of Gardiner, PLUMMER of Windham, SYKES of Harrison, TWOMEY of Biddeford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Protect the Integrity of Maine State Housing Authority Funds"

(H.P. 1009) (L.D. 1445)

Sponsored by Representative ADAMS of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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#### CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend the Sex Offender Registration and Notification Act of 1999"

(H.P. 997) (L.D. 1433)

Sponsored by Representative BLANCHETTE of Bangor.

Cosponsored by Senator DIAMOND of Cumberland.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Increase the Penalties for Cemetery Damage"

(H.P. 1003) (L.D. 1439)

Sponsored by Representative THOMPSON of China.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, BARSTOW of Gorham, DUCHESNE of Hudson, EBERLE of South Portland, PIOTTI of Unity, SAVIELLO of Wilton.

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#### EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Concerning Town Academies and the System of Learning Results"

(H.P. 963) (L.D. 1386)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: MUSE of Fryeburg, TARDY of Newport, THOMPSON of China, VALENTINO of Saco, Senators: SCHNEIDER of Penobscot, WESTON of Waldo.

Resolve, To Develop a Statewide Entrepreneurship Curriculum from Kindergarten through College

(H.P. 964) (L.D. 1387)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: BURNS of Berwick, CROSBY of Topsham, CUMMINGS of Portland, LERMAN of Augusta, McCORMICK of West Gardiner, NORTON of Bangor, PATRICK of Rumford, SCHATZ of Blue Hill.

Bill "An Act To Allow Municipalities To Offer Subsidies to Parents To Send Their Children to Other Schools"

(H.P. 971) (L.D. 1407)

Sponsored by Representative DAIGLE of Arundel.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: DAVIS of Falmouth, MOODY of Manchester, TARDY of Newport, Senators: COWGER of Kennebec, HOBBS of York.

Bill "An Act To Simplify Implementation of the Maine Learning Results"

(H.P. 988) (L.D. 1424)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Representatives: FAIRCLOTH of Bangor, FINCH of Fairfield, MOODY of Manchester, PERCY of Phippsburg, Senator: BRENNAN of Cumberland.

Bill "An Act To Support the Efficient Implementation of Maine's Learning Results" (EMERGENCY)

(H.P. 989) (L.D. 1425)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Senator WESTON of Waldo and Representative: BURNS of Berwick.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Resolve, Regarding Teacher Certification Requirements

(H.P. 1008) (L.D. 1444)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by Senator: MARTIN of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Law Regarding Certification of Educational Personnel"

(H.P. 1010) (L.D. 1446)

Sponsored by Representative MERRILL of Appleton.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: DAVIS of Falmouth, MAKAS of Lewiston, NORTON of Bangor.

Submitted by the Department of Education pursuant to Joint Rule 204.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act To Require Standardized Reporting of the Prices for Certain Health Care Services and To Repeal the Confidentiality of Sentinel Events"

(H.P. 975) (L.D. 1411)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator MARTIN of Aroostook and Representatives: ADAMS of Portland, BURNS of Berwick, FAIRCLOTH of Bangor, MAKAS of Lewiston, SMITH of Van Buren, WALCOTT of Lewiston, WEBSTER of Freeport, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Amend the Law Banning Smoking in Buildings Where Bingo or Beano Is Played"

(H.P. 981) (L.D. 1417)

Sponsored by Representative HUTTON of Bowdoinham. (BY REQUEST)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Require Admission Policies for Hospitals Providing Swing Bed Services"

(H.P. 1002) (L.D. 1438)

Sponsored by Representative CURLEY of Scarborough.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CUMMINGS of Portland, LEWIN of Eliot, PINGREE of North Haven, TARDY of Newport, Senator: ROSEN of Hancock.

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Bill "An Act Regarding Confidentiality in Litigation"

(H.P. 979) (L.D. 1415)

Sponsored by Representative GERZOFKY of Brunswick.

Cosponsored by Senator BRYANT of Oxford and Representatives: ASH of Belfast, FINCH of Fairfield, FISCHER of Presque Isle, MAZUREK of Rockland, MOODY of Manchester, PERCY of Phippsburg, SMITH of Van Buren, WALCOTT of Lewiston.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

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

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Bill "An Act To Establish a Maternal and Infant Death Review Panel"

(H.P. 984) (L.D. 1420)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator MARTIN of Aroostook and Representatives: MILLETT of Waterford, SHIELDS of Auburn, Senators: MAYO of Sagadahoc, MITCHELL of Kennebec.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative MILLER of Somerville, **TABLED** pending **REFERENCE** and later today assigned.

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**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Amend the Maine Consumer Credit Code"

(H.P. 980) (L.D. 1416)

Sponsored by Representative FARRINGTON of Gorham. (GOVERNOR'S BILL)

Cosponsored by Senator WESTON of Waldo and Representatives: BOWLES of Sanford, BRAUTIGAM of Falmouth, BRYANT-DESCHENES of Turner, CANAVAN of Waterville, GLYNN of South Portland, MILLS of Farmington, Senators: PERRY of Penobscot, SNOWE-MELLO of Androscoggin.

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**JUDICIARY**

Bill "An Act To Address the Constitutionality of Maine's Resident-only Lobster License"

(H.P. 985) (L.D. 1421)

Sponsored by Representative DUPLESSIE of Westbrook.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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Bill "An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law"

(H.P. 977) (L.D. 1413)

Sponsored by Representative PELLETIER-SIMPSON of Auburn. Cosponsored by Representatives: ADAMS of Portland, BRYANT of Windham, FAIRCLOTH of Bangor, Speaker RICHARDSON of Brunswick, Senator: HOBBS of York.

Committee on **JUDICIARY** suggested.

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

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Bill "An Act To Increase Civil and Criminal Penalties for Animal Cruelty"

(H.P. 1011) (L.D. 1447)

Sponsored by Representative THOMPSON of China.

Cosponsored by Representatives: CAIN of Orono, DUCHESNE of Hudson, ROSEN of Bucksport, SAVIELLO of Wilton, TWOMEY of Biddeford.

Committee on **JUDICIARY** suggested.

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

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**LABOR**

Bill "An Act To Assist Businesses To Retain Seasonal Employees and Reduce the Burden on the Bureau of Unemployment Compensation"

(H.P. 961) (L.D. 1384)

Sponsored by Representative BISHOP of Boothbay.

Cosponsored by Senator DOW of Lincoln.

Bill "An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area"

(H.P. 974) (L.D. 1410)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CLARK of Millinocket, CRESSEY of Cornish, DUPREY of Hampden, HALL of Holden, HAMPER of Oxford, HUTTON of Bowdoinham, JACKSON of Fort Kent, SMITH of Van Buren.

Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters"

(H.P. 983) (L.D. 1419)

Sponsored by Representative SMITH of Van Buren.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: FISHER of Brewer, GERZOFKY of Brunswick, PINEAU of Jay, THOMPSON of China.

Submitted by the Department of Labor pursuant to Joint Rule 204.

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#### LEGAL AND VETERANS AFFAIRS

Bill "An Act To Amend Maine Election Law by Instituting a Statewide Vote-by-mail System"

(H.P. 965) (L.D. 1388)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Encourage a Vote-by-Mail System in Maine"

(H.P. 1000) (L.D. 1436)

Sponsored by Representative GLYNN of South Portland.

Cosponsored by President EDMONDS of Cumberland.

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#### MARINE RESOURCES

Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

(H.P. 1013) (L.D. 1449)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator MAYO of Sagadahoc.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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#### NATURAL RESOURCES

Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions

(H.P. 972) (L.D. 1408)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo and Representatives: DUPREY of Hampden, FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, TWOMEY of Biddeford, Senator: COWGER of Kennebec.

Bill "An Act To Modernize Regulation of Sand and Gravel Pits"

(H.P. 992) (L.D. 1428)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: ADAMS of Portland, EBERLE of South Portland.

#### STATE AND LOCAL GOVERNMENT

Bill "An Act To Assist in the Investigation and Prosecution of Theft Offenses"

(H.P. 973) (L.D. 1409)

Sponsored by Representative ROSEN of Bucksport.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BOWLES of Sanford, CROSTHWAITE of Ellsworth, CURLEY of Scarborough, DAVIS of Augusta, DUCHESNE of Hudson, SCHATZ of Blue Hill, TARDY of Newport, Senator: COWGER of Kennebec.

Bill "An Act To Authorize Municipalities To Create Municipal Fire Districts"

(H.P. 978) (L.D. 1414)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator PERRY of Penobscot and Representatives: BARSTOW of Gorham, BLANCHETTE of Bangor, PILON of Saco, TUTTLE of Sanford, VALENTINO of Saco, Senators: MITCHELL of Kennebec, SCHNEIDER of Penobscot.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government

(H.P. 986) (L.D. 1422)

Sponsored by Representative MERRILL of Appleton.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BOWEN of Rockport, CURLEY of Scarborough, KAELIN of Winterport, MILLETT of Waterford, RICHARDSON of Warren, SAVIELLO of Wilton, Senators: NUTTING of Androscoggin, RAYE of Washington.

Bill "An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro"

(H.P. 995) (L.D. 1431)

Sponsored by Representative MERRILL of Appleton.

Cosponsored by Senator SAVAGE of Knox and Representatives: BARSTOW of Gorham, BISHOP of Boothbay, BOWEN of Rockport, MAZUREK of Rockland, PINGREE of North Haven, RICHARDSON of Warren, Senators: ANDREWS of York, SCHNEIDER of Penobscot.

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#### TAXATION

Bill "An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates"

(H.P. 1001) (L.D. 1437)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator STRIMLING of Cumberland, Senator PERRY of Penobscot and Representatives: DAVIS of Falmouth, GREELEY of Levant, HOTHAM of Dixfield, SMITH of Monmouth, TARDY of Newport, THOMPSON of China, WATSON of Bath.

Bill "An Act To Stabilize and Strengthen the MaineCare Program" (EMERGENCY)

(H.P. 1012) (L.D. 1448)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BRAUTIGAM of Falmouth, CRAVEN of Lewiston, DUDLEY of Portland, FAIRCLOTH of Bangor, MILLER of Somerville, WALCOTT of Lewiston, WEBSTER of Freeport.



**TRANSPORTATION**

Bill "An Act To Amend the Laws Governing the Size, Placement and Use of Certain On-premises Signs"

(H.P. 993) (L.D. 1429)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Representative: CRAVEN of Lewiston.

Bill "An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas" (EMERGENCY)

(H.P. 994) (L.D. 1430)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator SULLIVAN of York and Representatives: DUPLESSIE of Westbrook, FISHER of Brewer, HOGAN of Old Orchard Beach, MAZUREK of Rockland, PARADIS of Frenchville, Speaker RICHARDSON of Brunswick.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**UTILITIES AND ENERGY**

Bill "An Act To Subject Prepaid Wireless Telephone Service to E-9-1-1 Funding Requirements"

(H.P. 982) (L.D. 1418)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator BARTLETT of Cumberland.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Bill "An Act To Reform the Renewable Electricity Portfolio Standard"

(H.P. 998) (L.D. 1434)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator BARTLETT of Cumberland and Representative: FLETCHER of Winslow.

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

(H.P. 999) (L.D. 1435)

Sponsored by Representative EBERLE of South Portland.

Cosponsored by Senator TURNER of Cumberland and Representatives: BLISS of South Portland, BRAUTIGAM of Falmouth, FLETCHER of Winslow, KOFFMAN of Bar Harbor, MUSE of Fryeburg, PINGREE of North Haven, RECTOR of Thomaston, THOMPSON of China.

Bill "An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas"

(H.P. 1004) (L.D. 1440)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock and Representatives: BLISS of South Portland, BRAUTIGAM of Falmouth, DAIGLE of Arundel, FISCHER of Presque Isle, KOFFMAN of Bar Harbor, MILLER of Somerville, TARDY of Newport, Senator: BRYANT of Oxford.

Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands"

(H.P. 1006) (L.D. 1442)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock and Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BLISS of South Portland, BRAUTIGAM of Falmouth, DUDLEY of Portland, Senators: BARTLETT of Cumberland, MAYO of Sagadahoc.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**Pursuant to Statute**

**Department of Corrections**

Representative BLANCHETTE for the **Department of Corrections** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

(H.P. 968) (L.D. 1391)

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

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

Sent for concurrence.

**Pursuant to Statute**

**Maine Health Data Organization**

Representative PINGREE for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 966) (L.D. 1389)

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

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

Sent for concurrence.

**Pursuant to Statute**

**Maine Health Data Organization**

Representative PINGREE for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 967) (L.D. 1390)

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

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

Sent for concurrence.

**Pursuant to Statute**

**Public Utilities Commission**

Representative BLISS for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 969) (L.D. 1392)

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**ORDERS**

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1014) (Cosponsored by President EDMONDS of Cumberland, Senator MAYO of Sagadahoc and Representatives: ASH of Belfast, BARSTOW of Gorham, BERUBE of Lisbon, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BROWN of South Berwick, CAIN of Orono, CANAVAN of Waterville, CARR of Lincoln, CLARK of Millinocket, CROSBY of Topsham, CUMMINGS of Portland, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUPLESSIE of Westbrook, EBERLE of South Portland, FINCH of Fairfield, FISHER of Brewer, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, HALL of Holden, HANLEY of Gardiner, HARLOW of Portland, HUTTON of Bowdoinham, JACOBSEN of Waterboro, JENNINGS of Leeds, LERMAN of Augusta, MAKAS of Lewiston, McFADDEN of Dennysville, MERRILL of Appleton, PARADIS of Frenchville, PELLETIER-SIMPSON of Auburn, SCHATZ of Blue Hill, SMITH of Monmouth, SMITH of Van Buren, THOMPSON of China, TUTTLE of Sanford, WEBSTER of Freeport, Senators: BROMLEY of Cumberland, BRYANT of Oxford, DAMON of Hancock, DIAMOND of Cumberland, MARTIN of Aroostook, NUTTING of Androscoggin, ROTUNDO of Androscoggin, STRIMLING of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION**

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 President of the United States and the United States Congress as follows:

WHEREAS, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

WHEREAS, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

WHEREAS, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

WHEREAS, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

WHEREAS, in some cases, additional support in the form of income, housing, heating and prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

WHEREAS, other participants in Social Security do not have their benefits reduced in this manner; and

WHEREAS, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

WHEREAS, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

WHEREAS, bills are present in Congress in both the House of Representatives and the Senate, known as "The Social Security Fairness Acts," that would amend the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

**RESOLVED:** That We, your Memorialists, request that the President of the United States and the United States Congress work together to support reform proposals that include the following protections for low-income and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
2. Protections permanently ensuring that level of benefits by indexing it to inflation; and
3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

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

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative JOY of Crystal, the following Joint Resolution: (H.P. 970) (BY REQUEST) (Cosponsored by Representatives: BOWEN of Rockport, BRYANT-DESCHENES of Turner, CEBRA of Naples, CROSTHWAITE of Ellsworth, FLETCHER of Winslow, VAUGHAN of Durham, Senators: DAVIS of Piscataquis, WESTON of Waldo)

**JOINT RESOLUTION REQUESTING MAINE'S CONGRESSIONAL DELEGATION TO SUBMIT LEGISLATION TO SECURE THE CONSENT OF CONGRESS REGARDING GREENHOUSE GAS REDUCTIONS**

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 Maine Congressional Delegation as follows:

WHEREAS, the State of Maine has signed the 2001 New England Governors and Eastern Canadian Premiers Climate Change Action Plan; and

WHEREAS, the Climate Change Action Plan requires greater coordination of common strategies for the resolution of energy

issues to achieve the goal to reduce the effects of climate change; and

WHEREAS, the State of Maine has passed legislation to implement the greenhouse gas reduction goals of that agreement; and

WHEREAS, the United States Constitution, Article 1, Section 10 forbids such agreements without the consent of the United States Congress; and

WHEREAS, litigation challenging the State of Maine's implementation of the climate change agreement would damage efforts to reduce the harmful effects of greenhouse gas emissions; and

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the Maine Congressional Delegation submit legislation to the United States Congress to secure the consent necessary for the State of Maine to proceed with its commitment to the 2001 New England Governors and Eastern Canadian Premiers Climate Change Action Plan; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative PIOTTI of Unity, the following Joint Resolution: (H.P. 1015) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARR of Lincoln, FLOOD of Winthrop, JENNINGS of Leeds, JODREY of Bethel, LUNDEEN of Mars Hill, MAREAN of Hollis, PINEAU of Jay, SHERMAN of Hodgdon, TWOMEY of Biddeford, Senators: BRYANT of Oxford, RAYE of Washington)

**JOINT RESOLUTION IN HONOR OF THE  
MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, recent statistics show that Maine's 7,150 farms, the bulk of which are small farms, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises and associated industries provide more than 500 million dollars in the sale of farm products and contribute more than 1.2 billion dollars annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,355,000 acres of land, a vital resource in maintaining the food security of Maine people, and an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, 2nd in the Nation in the production of maple syrup, 6th in the Nation in the production of fall potatoes, 2nd in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and

encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today is Ag Day, a day to celebrate our farmers and farm businesses, which together contribute over \$2 billion to the state economy and of course do so much more than that - culturally, in our communities and for our environment. Maine farms have obviously done a lot for us in the past. They are a strong part of our future as well. We are particularly well poised to grow this industry. In appreciation of Ag Day, the Maine Grange is inviting all of us to lunch, a traditional grange dinner over at the grange hall on State Street. Make sure you keep your appetite and at noon head over there. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will also remind the members of the Legislature that we also farm on the water and the Maine Aquaculture Association is also downstairs with products that they have farmed from the sea. Thank you Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED.**

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

David E. Adams, of Auburn, beloved husband, father and grandfather. Mr. Adams had many passions in life, including politics, scouting, cars and collectible toys. He served on the Auburn City Council, the Auburn Sewage Board, the Charter Commission and the State Real Estate Licensing Board. He was an Eagle Scout, a Cubmaster and a Scoutmaster. He operated Dad's Toys for several years. Mr. Adams was always willing to help, talk or just listen and will be remembered as everyone's friend with a big smile and a bigger heart. We join his family and friends in mourning his loss;

(HLS 363)

Presented by Representative MAKAS of Lewiston.

Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative SHIELDS of Auburn, Representative PELLETIER-SIMPSON of Auburn, Representative SAMPSON of Auburn.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

The following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 17, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Barbara Ford, Winterport

(HLS 148)

TABLED - March 8, 2005 (Till Later Today) by Representative TARDY of Newport.

PENDING - **PASSAGE.**

Subsequently, this Expression of Legislative Sentiment was **PASSED** 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:

(S.P. 51) (L.D. 145) Bill "An Act Concerning Appeal Rights under the Maine Enterprise Option Program" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 79) (L.D. 226) Bill "An Act To Amend the Applied Technology Development Centers Statutes" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 123) (L.D. 375) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 19) (L.D. 39) Bill "An Act To Amend the Definition of Authorized Emergency Vehicle" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)**

(H.P. 245) (L.D. 322) Bill "An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 493) (L.D. 673) Bill "An Act To Require Agricultural Representation on the Maine Tourism Commission" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 672) (L.D. 962) Bill "An Act To Codify Unallocated Law Regarding the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 476) (L.D. 656) Bill "An Act To Revise the Salary Range of Certain Public Utilities Commission Employees" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)**

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. 50) (L.D. 144) Bill "An Act To Redefine the Boundaries of the Fairfield Sanctuary"

(H.P. 406) (L.D. 551) Bill "An Act To Amend the Budget Timetable for Oxford County"

(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) (C. "A" H-29)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **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.

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

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

Bill "An Act To Require Valid Identification for All Purchases of Liquor"

(H.P. 73) (L.D. 77)  
(C. "A" H-28)

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

**ENACTORS  
Acts**

An Act To Establish Community Giving Week

(H.P. 26) (L.D. 23)  
(C. "A" H-24)

An Act To Amend the Law Pertaining to Nitrous Oxide Systems

(H.P. 67) (L.D. 71)

An Act To Codify Senate Districts in Statute

(S.P. 40) (L.D. 98)

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

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

An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries

(S.P. 77) (L.D. 224)

An Act Concerning Street Rod Standards

(H.P. 298) (L.D. 395)

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 17, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Preserve the Integrity of the Fund for a Healthy Maine" (EMERGENCY)

(H.P. 909) (L.D. 1311)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - March 15, 2005 (Till Later Today) by Representative MILLS of Farmington.

PENDING - **REFERENCE.**

Subsequently, the Bill was REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, and sent for concurrence.

(H.P. 241) (L.D. 317)

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

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

TABLED - March 17, 2005 (Till Later Today) by Representative NORTON of Bangor.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative NORTON of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-35)** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain 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. 343) (L.D. 468)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland  
DUDLEY of Portland  
CRAVEN of Lewiston  
FISCHER of Presque Isle  
LERMAN of Augusta  
MILLS of Farmington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-36)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford  
NUTTING of Oakland  
BOWEN of Rockport  
CURLEY of Scarborough

**READ.**

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as amended** Report.

The Bill was **READ ONCE**. Committee Amendment "A" (H-35) was **READ** by the Clerk.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of Committee Amendment "A" (H-35) and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Set the Base Legislative Salary at \$15,000 Per Year"

Signed:

Senators:

SCHNEIDER of Penobscot  
ROTUNDO of Androscoggin  
ANDREWS of York

Representatives:

BARSTOW of Gorham  
McFADDEN of Dennysville  
MOULTON of York  
HARLOW of Portland  
BISHOP of Boothbay  
CROSTHWAITE of Ellsworth  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

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

Signed:

Representative:

SAMPSON of Auburn

**READ.**

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill before us would set the base legislative pay at \$15,000 per year. The Legislature is making less today than legislators did in 1986. This is probably one of the few issues that I don't get complaints about back home from the people - our legislative pay. There was a 10% pay reduction in 1991 during the budget crisis at that time and I believe there has only been one cost of living since then. The other three cost of living having been funded by the Legislature. In 1998 the legislative compensation committee recommended to set the legislative pay at \$18,000 a year. I think that if we want working people to be represented in the Maine Legislature we need to set a salary where at least people could break even and not go into debt, less we become a legislature of the rich and retired. Based upon the financial situation of state government at this time I can understand the committee's vote and I would ask you reluctantly to support the Majority Ought Not to Pass Report. Mr. Speaker.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting to give us a raise. At a time when we're in a terrible budget how dare I? I can justify it back home. I can justify how many hours I put in. I think if we are going to be examples for people to give living wages we need to start with ourselves.

I don't think it is a bad idea to pay for good political decisions, for policy makers that are going to do their homework, for people who work late, for people who just have a hard time keeping two places going while they are in session. I can justify it because I think this work is good. I think it's great that we can be voices for people who don't have one and that we are on call twenty-four seven. I know that you are at home as I am.

When I get home from the week my phone is ringing off the hook and it's Saturday, its Sunday and I'm there for them. I go to their homes, I sit with them and I can justify every single penny. Thank you.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me first say that I appreciate the willingness of the good Representative from Sanford to support this report being the first person who sponsored the original legislation. I understand the point that he brings forward with regard to legislative pay and appreciate the passion that he brought to this issue.

I appreciate the comments that Representative Twomey, the good Representative from Biddeford has made and totally agree that I think all of us, as we stand in this chamber, realize the labor that we bring forth, and at times may disagree with the pay that is equaled with that; that is brought forward. I would say that here even as I look at my own personal budget Mr. Speaker, and know that I have a small family, and I try to negotiate on tight times as much as possible. I come here on behalf of 8,000 people in Gorham and work for them as a labor of love.

The problem that was brought to us in this committee discussion seemed to be about bringing in good viable candidates on both sides of the isle. It seems as we further got into discussion that it's more than a payment issue but rather a legislative schedule issue and both of these items need to be discussed in full. This bill was not the vehicle to allow that discussion. Further I would bring forward the point that - as we have done here in the last couple of years during our tight budget times - we have voted on budgets and passed budgets that do not give merit increases to state employees. It is very tough for me to step forward here and to vote in favor of a pay increase for myself knowing that we could not give the living wage or the increase that is deserved of our state employees that work so hard on behalf of our state as well. I would ask my colleagues to support the Ought Not to Pass Report that has come out of my committee and appreciate your consideration of that request. Thank you Mr. Speaker.

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

**ROLL CALL NO. 30**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Richardson J.

NAY - Dudley, Duplessie, Eder, Gerzofsky, Jackson, Jodrey, Mazurek, McKane, Paradis, Pilon, Sampson, Smith W, Twomey, Walcott.

ABSENT - Fisher, Greeley, Lundeen, Pingree, Sherman.  
Yes, 132; No, 14; Absent, 5; Excused, 0.

132 having voted in the affirmative and 14 voted in the negative, with 5 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)** on Bill "An Act To Require Advance Notice for Decreases in Wage or Salary Levels"

(H.P. 196) (L.D. 257)

Signed:

Senators:

STRIMLING of Cumberland  
SNOWE-MELLO of Androscoggin  
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren  
DRISCOLL of Westbrook  
JACKSON of Fort Kent  
HALL of Holden  
HUTTON of Bowdoinham  
DUPREY of Hampden  
TUTTLE of Sanford  
HAMPER of Oxford  
CLARK of Millinocket

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

CRESSEY of Cornish

**READ.**

On motion of Representative SMITH of Van Buren, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-30)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 23, 2005.

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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 GOLDMAN of Cape Elizabeth, the House adjourned at 11:30 a.m., until 10:00 a.m., Wednesday, March 23, 2005.