

# MAINE STATE LEGISLATURE

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



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

**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 1, 2004 - March 30, 2005

**First Special Session**

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST REGULAR SESSION  
26th Legislative Day  
Wednesday, March 23, 2005

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

Prayer by Pastor Paul Cates, Vassalboro Friends Meeting.  
National Anthem by Dr. A. Jan Berlin, South Freeport.  
Pledge of Allegiance.  
Doctor of the day, A. Jan Berlin, M.D., South Freeport.  
The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Program

(S.P. 482) (L.D. 1393)

Bill "An Act Regarding National Forests"

(S.P. 484) (L.D. 1395)

Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods"

(S.P. 495) (L.D. 1406)

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

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

---

Bill "An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing"

(S.P. 492) (L.D. 1403)

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

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

---

Bill "An Act To Update Teachers' Minimum Salaries"

(S.P. 480) (L.D. 1381)

Bill "An Act Regarding the Wells-Ogunquit Community School District"

(S.P. 486) (L.D. 1397)

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 Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund"

(S.P. 490) (L.D. 1401)

Bill "An Act To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process"

(S.P. 493) (L.D. 1404)

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

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

Bill "An Act To Establish Permanent Subsidized Guardianship"

(S.P. 481) (L.D. 1382)

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

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

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

---

Bill "An Act To Require That Judicial Hearings Be Conducted in Hospitals Providing Involuntary Inpatient Psychiatric Services"

(S.P. 483) (L.D. 1394)

Bill "An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them"

(S.P. 491) (L.D. 1402)

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 Prepare Maine for Public Health Emergencies"

(S.P. 494) (L.D. 1405)

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.

---

Bill "An Act To Align Federal and State Child Labor Laws"

(S.P. 487) (L.D. 1398)

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 Increase College Scholarships"

(S.P. 488) (L.D. 1399)

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 Amend Water Quality Standards"

(S.P. 496) (L.D. 1450)

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 Protect Use of Municipal Seals"

(S.P. 479) (L.D. 1380)

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

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

Bill "An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code"

(S.P. 489) (L.D. 1400)

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

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

Bill "An Act To Create a Specialty License Plate for Members of the Maine National Guard"

(S.P. 485) (L.D. 1396)

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 96)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 470 An Act To Amend the Way Beverages Are Sold on Golf Courses

L.D. 779 An Act Allowing Certain Clean Election Campaign Reports To Be Filed by Telephone

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

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. John L. Patrick

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 97)

**STATE OF MAINE**

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

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

L.D. 497 An Act To Amend the Charter of the Boothbay Region Water District

L.D. 499 An Act To Amend the Charter of the Boothbay Harbor Sewer District

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.**

The Following Communication: (H.C. 98)

**STATE OF MAINE**

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

March 22, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 502 An Act To Enable Police Departments To Solicit Donations for Colleagues Suffering from Catastrophic Illnesses

L.D. 530 An Act To Prevent Convicted Felons from Possessing Firearms

L.D. 714 Resolve, To Benefit Public Safety Using Retired Law Enforcement Officers

L.D. 719 An Act To Protect Victims of Domestic Violence and Sexual Assault

L.D. 760 An Act To Assist Municipalities in Recruiting Emergency Services Personnel

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: (H.C. 99)

**STATE OF MAINE**

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

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

L.D. 605 An Act To Revise the Site Location of Development Laws

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

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

**READ and ORDERED PLACED ON FILE.**

---

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Increase Access to Certain Dental Services"  
(H.P. 1023) (L.D. 1461)

Sponsored by Representative FAIRCLOTH of Bangor.

---

**EDUCATION AND CULTURAL AFFAIRS**

Resolve, To Enforce Environmental Health Protection Measures in Public Schools

(H.P. 1016) (L.D. 1451)

Sponsored by Representative EDER of Portland.

Cosponsored by Representatives: CAIN of Orono, MAKAS of Lewiston.

Bill "An Act To Amend the Laws Regarding the School Revolving Renovation Fund" (EMERGENCY)

(H.P. 1019) (L.D. 1454)

Sponsored by Representative GOLDMAN of Cape Elizabeth.

Cosponsored by Representatives: DAVIS of Falmouth, EDGECOMB of Caribou, FINCH of Fairfield.

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

---

**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Ban Bear Hunting with Traps except To Protect the Public"

(H.P. 1022) (L.D. 1460)

Sponsored by Representative PELLETIER-SIMPSON of Auburn.

Cosponsored by Representatives: CHURCHILL of Washburn, EDER of Portland, HUTTON of Bowdoinham, Senator STRIMLING of Cumberland.

---

**STATE AND LOCAL GOVERNMENT**

Resolve, Promoting the Consumption of Maine Farm Products at the State House Complex

(H.P. 1017) (L.D. 1452)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Representatives: CARR of Lincoln, PERCY of Phippsburg, SMITH of Monmouth, Senator: NUTTING of Androscoggin.

Bill "An Act Concerning Payment for Repairs on Private Ways"

(H.P. 1021) (L.D. 1459)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BARSTOW of Gorham, MARLEY of Portland.

---

**TAXATION**

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1024) (L.D. 1462)

Sponsored by Representative WOODBURY of Yarmouth.

Cosponsored by Senator PERRY of Penobscot.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

---

**TRANSPORTATION**

Resolve, To Improve Public Safety, Enhance Local Communities and Reduce Transportation Expenses

(H.P. 1018) (L.D. 1453)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator WESTON of Waldo and Representatives: BROWNE of Vassalboro, MARLEY of Portland, NORTON of Bangor, THOMPSON of China.

Bill "An Act To Amend the Motor Vehicle Laws"

(H.P. 1026) (L.D. 1463)

Sponsored by Representative MARLEY of Portland.

Cosponsored by Senator DAMON of Hancock and Representatives: COLLINS of Wells, HOGAN of Old Orchard Beach, PINEAU of Jay, SAMPSON of Auburn.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

(H.P. 1027) (L.D. 1464)

Sponsored by Representative SAMPSON of Auburn.

Cosponsored by Senator SAVAGE of Knox and Representatives: COLLINS of Wells, HOGAN of Old Orchard Beach, MARLEY of Portland, THOMAS of Ripley, Senator: DAMON of Hancock.

Submitted by the Secretary of State pursuant to Joint Rule 204.

---

**Pursuant to Resolve**

**Committee to Study Compliance with Maine's Freedom of Access Laws**

Representative KOFFMAN for the **Committee to Study Compliance with Maine's Freedom of Access Laws** pursuant to Resolve 2003, chapter 83, section 9-A asks leave to report that the accompanying Bill "An Act To Codify Public Records Exceptions"

(H.P. 1020) (L.D. 1455)

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

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

Sent for concurrence.

---

**ORDERS**

On motion of Representative DUPREY of Hampden, the following Joint Order: (H.P. 1025)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Insurance and Financial Services shall report out, to the House, a bill prohibiting the State Employee Health Commission from negotiating, as part of a collective bargaining agreement, health insurance coverage for gender reassignment operations as part of the employees' state-paid health benefits.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Hamden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First of all I would like to apologize to the body for this process. I'm pretty respectful of the process of cloture and the bills before us and the way things go and I don't usually like to do this. To give you a little background of the reason I am doing it, I'm doing it because after reading the Chief Executive's bill there is some language in there that came after cloture. That's why I put this in. Basically, real quick, the domestic partner health benefits were extended years ago through the State Employee Health Insurance Commission without the public hearing process through the Legislature. I'm trying to avoid that with this. San Francisco has enacted sex change operations through municipal expense. There are several states considering it right now for prisoners. I'm concerned that the State Employee Health Insurance Commission will possibly consider this in light of the possible passage of the Chief Executive's gay rights bill. I hope you'll support me that the Legislature should be the one to enact this kind of a benefit that can cost between \$75,000 and \$200,000 dollars. Thank you Mr. Speaker.

Representative **CUMMINGS** of Portland moved that the Joint Order be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Hamden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you would reconsider and vote against indefinite postponement. If you are voting for the indefinite postponement it means you approve of state employee health insurance benefits for reassignment.

Representative **DUPREY** of Hampden **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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 Portland, Representative Cummings.

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to be clear what we are in fact voting for and I disagree with my good friend from Hamden, Representative Duprey. The issue before the house is will we decide for the state contract exactly what will be spent and will we determine as a Legislature, through a joint order how a contract would be negotiated? You may clearly have concerns one way or another about gender reassignment whatever that might actually be, but you still want to be careful about setting precedent of us in the Legislature defining in a Joint Order the definition of what should or should not be in that state employee contract. So I would urge you let us not play politics. Let us get down to the business - we have lots of business. Let us move forward in figuring out whether this is really a good piece of public policy.

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 don't want to play politics with this issue or any other issue here but I wish the Legislature had an opportunity to see the state contract so we could review it thoroughly and have plenty of time to respond to it. I guess we don't get that opportunity. We know it just showed up the other night and now is costing another \$40,000 in the bill we are going to be discussing tonight. I think the idea of having legislative oversight on every single aspect of this contract is

something that is appealing to me as I'm sitting here today. Thank you very much, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Joint Order and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 31**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Richardson J.

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**ABSENT** - Lewin, Lundeen, Marraché, Moore G, Rines.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

---

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

---

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Julian Beale III, of Belgrade, who has distinguished himself as an advocate of firearm safety for youth in the Augusta area. He founded the Capital City Junior Rifle Program 30 years ago. Mr. Beale is a volunteer coach for the rifle teams of Cony High School and Gardiner High School. He is the volunteer coordinator of the rifle matches for the Junior Olympics in Colorado and also serves as volunteer range director for the National Smallbore Matches in Ohio. Mr. Beale will be conducting his 30th awards banquet for his students at the Calumet Club on April 16th. We extend our appreciation to Mr. Beale for everything he has done for the youth in the State and the country;

(HLS 366)

Presented by Representative **MOODY** of Manchester.

Cosponsored by Senator **MITCHELL** of Kennebec, Representative **DAVIS** of Augusta, Representative **LERMAN** of Augusta, Representative **BROWNE** of Vassalboro, Senator **WOODCOCK** of Franklin, Representative **THOMPSON** of China.

On **OBJECTION** of Representative MOODY of Manchester, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Most of us have a passion for one thing or another in this life, but how many of us are able to transfer that passion into helping kids find the same passion in life? Julian Beal has turned his passion for competition shooting into an opportunity for kids who otherwise have little or nothing to do to keep them off the streets and out of trouble.

Julian founded the Capital City Rifle Team thirty years ago and since that time he has generously given his time to coach the rifle teams of Cony High School, Gardiner High School and Erskine Academy. He has worked as a volunteer coordinator for the Junior Olympics in Colorado and serves as a volunteer range director for the National Small Boar matches in Ohio. I made the varsity small bore rifle team at the University of Maine in Orono some years ago and I know something of the discipline and the dedication required to compete in this exacting sport. In fact, if you have too much coffee in the morning your pulse rate can get so that you could miss the bullseye easily. I wish I had had a coach and an advocate like Julian Beal in my childhood years. Here are a few of the successes - and a very few of them - of the 705 kids he has coached on the Capital City Junior Rifle Team: 110 gold medals, 117 silver medals, 108 bronze medals, 16 state championships, 8 state female championships. The list of awards and championships is nearly endless but best of all Julian has earned a gold medal from his wife Brenda, a teacher in Vassalboro who persisted with Representative Thompson and myself until we got serious about giving Julian the recognition he deserves. Julian we salute your accomplishments and your commitment to youth and to your tireless advocacy of firearm safety. Thank you Mr. Speaker.

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

---

**In Memory of:**

Martin Walsh, of Waterville, a beloved teacher and well-respected coach. Born in Portland, Mr. Walsh graduated from Cheverus High School and later received his Master's degree in education at the University of Maine at Orono. He began his teaching career in the early 1960s as a math teacher, history teacher and basketball coach. In 1970, he accepted a position at Williams Junior High School in Oakland, where he taught and coached basketball until 1994. He had an advanced mathematics award named for him by Williams Junior High School. The year he retired, the graduating class at Williams Junior High School dedicated the yearbook to him. He was an active member of the Elks Lodge in Waterville and was named Elk of the Year in 1983. We acknowledge his dedicated contributions to his profession and his community. He will be greatly missed by his family, friends and former students;

(HLS 364)

Presented by Representative CANAVAN of Waterville. Cosponsored by Senator GAGNON of Kennebec, Representative MARRACHÉ of Waterville.

On **OBJECTION** of Representative CANAVAN of Waterville, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Martin John Walsh departed this world January 14, 2005, at age 69 and Portland newspapers marked his passing with an article about his accomplishments and an obituary listing highlights of his life. Reading through them you get a sense that Marty was a pretty special human being and I can attest to that as a friend. He was, after all, Irish and proud of it. The son of a longshoreman and raised in Portland's Irish district. At Cheverus he was a top-notch athlete and scholar, graduated from college with honors and earned a master's in education at Orono. Then, for the next 34 years Marty taught math and history and he coached, but he didn't just teach - he inspired.

Teachers who worked with him will attest to the fact that Marty had a way of bringing out the best in kids and I think it's because his students mattered so deeply to him. It came through in everything he said and did throughout his teaching career, but the untold story of Marty Walsh is this - after he died his family found among his keepsakes some of the notes kids had written him over the years. For the record, here are some excerpts.

"I think you are the best teacher to come through the school system. You have a great sense of humor and try to help us all you can." Another wrote, "I think a lot more people should listen to you Mr. Walsh, you know what you're talking about. I hope you're around long enough to teach a lot of people, not just about math, but about life and the things we need to know as human beings."

Marty Walsh enjoyed 10 years of retirement before he died but he never forgot his kids and neither did they forget him. One wrote at his passing, "He offered me more inspiration than any other educator I have ever known. I have continued to be a math lover and went on to be an educator myself." One offered this, "Growing up I was a kid who was always told by my teachers that I couldn't and wouldn't be able to get what they were trying to teach me, and what that translates to an elementary school aged child is 'your stupid'. Mr. Walsh was my sixth grade math teacher and basketball coach. He believed in me when nobody else did. Having him for a teacher made me want to be a teacher and a coach myself. But I went into business instead. In April of 2000 I sold my business and became a teacher and a coach - a decision some call foolish but I call a dream. A dream born when one teacher took one kid under his wing and taught him that he was smart."

That's quite a tribute.

Upon retiring Marty got a plaque in recognition of his years of dedication and service and the students dedicated the yearbook to him. What I think would please Marty more than any plaque or yearbook inscription is just to know that the love and dedication he put into those 34 years of teaching is permanently inscribed on the hearts of those he taught and I think Marty is getting his wish. Thank you.

Subsequently, the Memoriam was **ADOPTED** and sent for concurrence.

---

**REPORTS OF COMMITTEE**

**Change of Committee**

Report of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing Municipalities To Establish Walking Trails"

(S.P. 165) (L.D. 539)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

**Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax (S.P. 56) (L.D. 150)

Signed:

Senators:

SCHNEIDER of Penobscot  
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham  
HARLOW of Portland  
SAMPSON of Auburn  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

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

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville  
MOULTON of York  
BISHOP of Boothbay  
CROSTHWAITE of Ellsworth

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ**.

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

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

**ROLL CALL NO. 32**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Richardson J.

**NAY** - Annis, Austin, Berube, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood,

Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lindell, Marean, McCormick, McFadden, McKane, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**ABSENT** - Bierman, Bryant-Deschenes, Lewin, Lundeen, Marley, McKenney, Richardson E.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-33)** on Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

(H.P. 233) (L.D. 309)

Signed:

Senators:

STRIMLING of Cumberland  
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren  
DRISCOLL of Westbrook  
JACKSON of Fort Kent  
HUTTON of Bowdoinham  
TUTTLE of Sanford  
CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden  
DUPREY of Hampden  
CRESSEY of Cornish  
HAMPER of Oxford

**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-33)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 24, 2005.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits"

(H.P. 308) (L.D. 423)

Signed:

Senators:

SNOWE-MELLO of Androscoggin  
BARTLETT of Cumberland

Representatives:

DRISCOLL of Westbrook  
HALL of Holden  
DUPREY of Hampden  
CRESSEY of Cornish  
HAMPER of Oxford



Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SMITH of Van Buren

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford

CLARK of Millinocket

**READ.**

Representative SMITH of Van Buren moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

---

**CONSENT CALENDAR**

**First Day**

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

(S.P. 76) (L.D. 223) Bill "An Act To Create a Family Reunion Day in August" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 36) (L.D. 94) Bill "An Act To Credit Utility Customers with Certain Amounts Paid as Fines" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

(S.P. 37) (L.D. 95) Bill "An Act To Support the Department of Conservation, Bureau of Forestry's Aerial Fire Suppression Program" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

(H.P. 203) (L.D. 278) Bill "An Act To Allow Small Stores To Conduct Wine Taste Testings" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-42)**

(H.P. 263) (L.D. 350) Bill "An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-32)**

(H.P. 310) (L.D. 425) Bill "An Act To Amend the Laws Relating to Unemployment Compensation" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-31)**

(H.P. 364) (L.D. 489) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Place under Option or Right of First Refusal Certain Property along State Street, Augusta, Maine Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-40)**

(H.P. 379) (L.D. 504) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located along the New Belgrade Road in Augusta Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-41)**

(H.P. 435) (L.D. 602) Bill "An Act To Provide for a Limited Sea Cucumber Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-38)**

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. 51) (L.D. 145) Bill "An Act Concerning Appeal Rights under the Maine Enterprise Option Program"

(S.P. 79) (L.D. 226) Bill "An Act To Amend the Applied Technology Development Centers Statutes"

(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"

(S.P. 19) (L.D. 39) Bill "An Act To Amend the Definition of Authorized Emergency Vehicle" (C. "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"

(H.P. 493) (L.D. 673) Bill "An Act To Require Agricultural Representation on the Maine Tourism Commission"

(H.P. 672) (L.D. 962) Bill "An Act To Codify Unallocated Law Regarding the Maine State Retirement System"

(H.P. 476) (L.D. 656) Bill "An Act To Revise the Salary Range of Certain Public Utilities Commission Employees" (C. "A" H-25)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** 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 Advance Notice for Decreases in Wage or Salary Levels"

(H.P. 196) (L.D. 257)  
(C. "A" H-30)

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.

---

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

---

**ENACTORS**

**Acts**

An Act To Limit Terms for Members of the State Board of Education

(H.P. 186) (L.D. 247)

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 yesterday, 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 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)

In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

TABLED - March 22, 2005 (Till Later Today) by Representative BRANNIGAN of Portland.

PENDING - **REFERENCE IN CONCURRENCE**.

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

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

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

(Committee on **HEALTH AND HUMAN SERVICES** suggested)

TABLED - March 22, 2005 (Till Later Today) by Representative MILLER of Somerville.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, and sent for concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Eight Members of the Committee on **MARINE RESOURCES** report in Report "A" **Ought to Pass** on Bill "An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws"

(H.P. 319) (L.D. 434)

Signed:

Senators:

DAMON of Hancock

SULLIVAN of York

ANDREWS of York

Representatives:

PERCY of Phippsburg

SEAVEY of Kennebunkport

DUGAY of Cherryfield

EDER of Portland

ADAMS of Portland

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A"** (H-37) on same Bill.

Signed:

Representatives:

FLETCHER of Winslow

CRESSEY of Cornish

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

ASH of Belfast

**READ.**

On motion of Representative PERCY of Phippsburg, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 24, 2005.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require Fiscal Impact Notes for Proposed Agency Rules"

(H.P. 212) (L.D. 287)

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

ANDREWS of York

Representatives:

BARSTOW of Gorham

HARLOW of Portland

SAMPSON of Auburn

BLANCHARD of Old Town

MUSE of Fryeburg

SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-39) on same Bill.

Signed:

Representatives:

McFADDEN of Dennysville

MOULTON of York

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

**READ.**

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

Representative CROSTHWAITE of Ellsworth **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 Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am curious as to why there would be opposition to requiring fiscal impact notes on proposed agency rules, if anyone can answer that?

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. I would like to also thank the good Representative from Auburn for his question. It was found within our committee, as we were studying this issue, that there would be a fiscal burden and a tough evaluation at times on the impact to the regulated community, with regards to these fiscal impact notes. I would like to add however, for the Representative's knowledge and my colleagues here, that our committee is continuing to look at an option for fiscal impact and fiscal benefit notes that we may put in as a rider to an additional bill that is being considered and I thank the speaker and the house for allowing me to answer the question.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought**

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 33**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Richardson J.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Dugay, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Lewin, Lundeen.

Yes, 76; No, 73; Absent, 2; Excused, 0.

76 having voted in the affirmative and 73 voted in the negative, with 2 being absent, and accordingly Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

---

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

---

On motion of Representative CANAVAN of Waterville, the House adjourned at 11:19 a.m., until 9:00 a.m., Thursday, March 24, 2005 in honor and lasting tribute to Martin Walsh, of Waterville.