

# 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  
27th Legislative Day  
Thursday, March 24, 2005

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

Prayer by Reverend Kenneth I. Lewis, Green Memorial African Methodist Episcopal Zion Church, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 497)

**JOINT RESOLUTION HONORING THE BATH  
MASONIC LODGE ON THE OCCASION  
OF ITS BICENTENNIAL**

WHEREAS, before Maine achieved statehood and 75 years before Bath became a city, the Solar Lodge 14 of the Order of Free and Accepted Masons was established; and

WHEREAS, the order was founded many centuries earlier in Europe as a labor organization for masons, stone craftsman and others who designed and built the great cathedrals of Europe; and

WHEREAS, the tradition was brought to America by colonists who were active Masons, including Paul Revere, Benjamin Franklin and George Washington; and

WHEREAS, the ancient democratic systems of freemasonry came to Bath, then known as "The Reach," in 1804 when the Grand Lodge of Massachusetts chartered Solar Lodge on September 10, 1804; and

WHEREAS, William King was elected as the first master of the lodge and later became the first Governor of Maine in 1820 when Maine became a state under the Missouri Compromise and then became Grand Master of Masons in Maine that same year; and

WHEREAS, the first meetings were held at Winship's Hall, where the current Maxwell's Restaurant stands, and later meetings were held at various locations around Bath until the Masons built their own Masonic Temple in 1911; and

WHEREAS, in 1921, with about 400 Masons in attendance, the cornerstone was laid for the current temple at the former McClennan Mansion, which is now shared with other Masonic bodies, including the Polar Star Lodge; and

WHEREAS, Solar Lodge is now celebrating its 200th Anniversary with 120 members, all working the degrees in the traditional custom; and

WHEREAS, from its origin as a labor organization, the Masons have developed into a fraternal society, where membership is distinguished based on strength of character and willingness to continually refine those qualities that serve society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled on behalf of the people we represent, take this opportunity to extend our congratulations to the good members of Solar Lodge 14 of the Order of Free and Accepted Masons on this bicentennial celebration and our best wishes for future success; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Solar Lodge 14 of the Order of Free and Accepted Masons of Bath.

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

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

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Resolve, To Reform the Maine Education System

(S.P. 499) (L.D. 1457)

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.

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Resolve, Directing the Department of Inland Fisheries and Wildlife To Increase Turkey Hunting Opportunities (EMERGENCY)

(S.P. 498) (L.D. 1456)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor

(S.P. 500) (L.D. 1458)

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.

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**COMMUNICATIONS**

The Following Communication: (H.C. 100)

**STATE OF MAINE**

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

March 21, 2005

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 258	An Act To Repeal Gasoline Tax Indexing
L.D. 279	An Act To Require Trains in the State To Operate with a Minimum of 5 Employees
L.D. 529	An Act To Allow Vehicles Owned by Sanitary or Sewer Districts To Use Municipal License Plates

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

Sincerely,

S/Sen. Dennis Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 101)

**STATE OF MAINE**

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

March 21, 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 bill out "Ought Not to Pass":

L.D. 64 An Act To Ensure the Maintenance of  
Veterans' Cemeteries

We have also notified the sponsor and cosponsors 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.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills and Resolve 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 Strengthen the Animal Welfare Laws"

(H.P. 1036) (L.D. 1473)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Representatives: GERZOFSKY of Brunswick, JODREY of Bethel, PINEAU of Jay.

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

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**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Update the Membership of Certain Professional Licensing Boards"

(H.P. 1034) (L.D. 1471)

Sponsored by Representative SMITH of Monmouth. (GOVERNOR'S BILL)

Cosponsored by Senator BROMLEY of Cumberland and Representatives: AUSTIN of Gray, COLLINS of Wells, O'BRIEN of Lewiston, RECTOR of Thomaston.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Create the Maine Merit Scholarship Program"

(H.P. 1032) (L.D. 1469)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act To Protect the Public from Secondhand Smoke"

(H.P. 1031) (L.D. 1468)

Sponsored by Representative THOMPSON of China.

Bill "An Act To Repeal Certificate of Need as It Applies to Hospitals, Ambulatory Surgical Units and Physician Offices"

(H.P. 1043) (L.D. 1487)

Sponsored by Representative SHIELDS of Auburn.

Cosponsored by Senator TURNER of Cumberland and Representatives: BOWLES of Sanford, DUGAY of Cherryfield, LEWIN of Eliot, MARRACHÉ of Waterville, SAVIELLO of Wilton, Senators: DAVIS of Piscataquis, ROSEN of Hancock, WESTON of Waldo.

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**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Amend the Laws Governing the Rural Medical Access Program"

(H.P. 1035) (L.D. 1472)

Sponsored by Representative MARRACHÉ of Waterville.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BRAUTIGAM of Falmouth, MILLETT of Waterford, PERRY of Calais.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Establish a Simplified Package of Health Care Insurance Affordable by All"

(H.P. 1038) (L.D. 1475)

Sponsored by Representative JOY of Crystal.

Cosponsored by Representatives: FITTS of Pittsfield, FLETCHER of Winslow, HOTHAM of Dixfield, LANSLEY of Sabattus, LEWIN of Eliot, RICHARDSON of Skowhegan, SHIELDS of Auburn, VAUGHAN of Durham.

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**JUDICIARY**

Bill "An Act To Require That Corporations Be Operated in a Manner That Does Not Adversely Affect the Public Interest"

(H.P. 1037) (L.D. 1474)

Sponsored by Representative EDER of Portland.

Cosponsored by Senator STRIMLING of Cumberland and Representative: TWOMEY of Biddeford.

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**LABOR**

Bill "An Act To Give Retirement Credits to Judges Who Have Served in the Legislature"

(H.P. 1033) (L.D. 1470)

Sponsored by Representative MILLS of Farmington.

Cosponsored by Representatives: CARR of Lincoln, Speaker RICHARDSON of Brunswick, SAVIELLO of Wilton, TARDY of Newport, Senators: HASTINGS of Oxford, WOODCOCK of Franklin.

Bill "An Act To Amend the Law Allowing Legislative Staff To Unionize"

(H.P. 1042) (L.D. 1486)

Sponsored by Representative MCKANE of Newcastle.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BOWLES of Sanford, CLOUGH of Scarborough, JOY of Crystal, MOULTON of York, TARDY of Newport, TRAHAN of Waldoboro, VAUGHAN of Durham, Senator: WESTON of Waldo.

**LEGAL AND VETERANS AFFAIRS**

Bill "An Act To Limit the Hours of Operation at Certain Gambling Establishments"

(H.P. 1030) (L.D. 1467)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Representatives: ADAMS of Portland, BARSTOW of Gorham, BRAUTIGAM of Falmouth, FARRINGTON of Gorham.

Resolve, To Publicize the Odds of Winning a State Lottery

(H.P. 1041) (L.D. 1485)

Sponsored by Representative BOWEN of Rockport.

Cosponsored by Representatives: BROWN of South Berwick, FLETCHER of Winslow, HOTHAM of Dixfield, LINDELL of Frankfort, RECTOR of Thomaston, SAVIELLO of Wilton, Senator: NASS of York.

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**Pursuant to Public Law**

**Joint Standing Committee on Natural Resources**

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** pursuant to Public Law 2001, chapter 605, section 5 asks leave to report that the accompanying Bill "An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities"

(H.P. 1029) (L.D. 1466)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Department of Environmental Protection,  
Bureau of Air Quality**

Representative KOFFMAN for the **Department of Environmental Protection, Bureau of Air Quality** 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 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality (EMERGENCY)

(H.P. 1028) (L.D. 1465)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

**ORDERS**

On motion of Representative KOFFMAN of Bar Harbor, the following Joint Order: (H.P. 1040)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, a bill directing the Executive Department, State Planning Office to undertake a study of current state law and policy regarding land use planning, management and regulation under the legal framework of the laws governing growth management.

**READ.**

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **PASSAGE** and later today assigned.

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On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 28)

**ORDERED**, that Representative Timothy E. Driscoll of Westbrook be excused Thursday, March 17th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Harold Ian Emery of Cutler be excused Tuesday, March 15th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Carol A. Grose of Woolwich be excused Tuesday, March 15th and Thursday, March 17th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Everett W. McLeod, Sr. of Lee be excused Thursday, March 17th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Barbara E. Merrill of Appleton be excused Tuesday, March 15th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative H. Stedman Seavey, Jr. of Kennebunkport be excused Thursday, March 17th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative A. David Trahan of Waldoboro be excused Tuesday, March 8th, Thursday, March 10th, Tuesday, March 15th and Thursday, March 17th for personal reasons.

**READ** and **PASSED**.

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Walter Leon Stevens, of Georgetown, a Veteran of the United States Army and fisherman for many years. He was an enthusiastic pioneer of new ideas and technology in his occupation. Health problems eventually forced his complete retirement but Walter continued being a folk historian for the Georgetown area. When sharing his knowledge or fishing gear, he was always generous, often helping others start their own fishing careers. Walter, who will be remembered for his unflagging good cheer and deep love for family, will be missed by his family and friends;

(HLS 368)

Presented by Representative BISHOP of Boothbay.

Cosponsored by Representative CUMMINGS of Portland, Representative PERCY of Phippsburg, Senator MAYO of Sagadahoc.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. It is an honor today to say a few words on behalf of the Stevens family. I want to thank them for being here and I also want to thank Representative Bishop who has done a tremendous job of bringing us together today in the name of Mr. Stevens. I want to say a word about Mr. Stevens because I think it's owed to him for all his contributions to the village – the community he lived in at Five Islands, Maine. He was a fisherman and he was respected

and some of those who have been to my office know that there is a picture of a stone schoolhouse in Georgetown, Maine – one where my great grandmother attended. Walter Stevens was the last person in the last class to ever graduate from that small stone schoolhouse in Georgetown, Maine. I have to tell you, what I know of Walter Stevens is that that is a perfect depiction of him; solid, strong, and dependable and one that people counted on for advice and support. He was a fisherman that gave advice across the coast and people looked to him for advice about how to take care of the natural resources that we have been blessed with today.

On a personal note this is the kind of man that always made an extra effort to support people. My grandfather - also a fisherman - who was out for a walk, died on that walk of a heart attack. In the strange way that the world has, my brother, then 14, was the first one to find him. The first hand that was on my brother's shoulder was Walter Stevens'. His hand was on the shoulders of lots of people in Georgetown, Maine and across the coast. I am delighted to be able to say thank you to him and to say thank you to his family.

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

**In Memory of:**

Edward R. DiBiase, a lifelong resident of Portland. He was employed in construction for many years, working for Aceto Construction Company and Romano Construction Company as a cement worker. His jobs included underground sewage lines and bridges throughout the city. He later served as a crossing guide, guiding Baxter Elementary School students to safety for nearly a decade. He loved the children who loved him in return and would call him "Grampy" when they met in the community. Mr. DiBiase dearly loved his family, the Red Sox and vegetable gardening. He will be sadly missed by his family, friends and by all those whose lives he touched in a special way;

(HLS 369)

Presented by Representative CUMMINGS of Portland.

Cosponsored by Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Representative HARLOW of Portland, Representative BRANNIGAN of Portland, Representative EDER of Portland, Representative ADAMS of Portland, Representative DUDLEY of Portland, Senator STRIMLING of Cumberland, Senator BRENNAN of Cumberland.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Limit Increases in Telephone or Electric Service Rates to a Maximum of 3% Annually"

(H.P. 482) (L.D. 662)

Signed:

Senators:

BARTLETT of Cumberland  
COWGER of Kennebec  
WESTON of Waldo

Representatives:

BLISS of South Portland  
FITTS of Pittsfield

BABBIDGE of Kennebunk  
CURTIS of Madison  
BRAUTIGAM of Falmouth  
FLETCHER of Winslow  
McLEOD of Lee  
RICHARDSON of Skowhegan  
RINES of Wiscasset

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

Signed:

Representative:

ADAMS of Portland

**READ.**

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

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a special circumstance here that I want to explain and acknowledge a member of my committee. This bill although well meaning does have a significant constitutional problem in that it is inappropriate for us, in fact unconstitutional for us, to limit potential revenue from businesses. There is no way that this could actually move forward into law and it was a virtually unanimous decision of the committee to not pass this piece of legislation. However, a long time ago, when he was but a shy and callow youth, Representative Adams served in this Legislature once before. When he did that those many years ago he served as he does now on the Utilities and Energy Committee.

The sponsor of this bill, who also served in the Legislature those many years ago, and who was only a slightly less shy and callow youth was also on the Utilities and Energy Committee at that time. Representative Adams out of courtesy to the sponsor of this legislation, in case that member wanted to speak to it, chose to take the other side so that there would be a divided report on the floor to allow that opportunity for that member. I think it was a gracious move on the part of Representative Adams, I'm sorry he's not here to acknowledge that it was a generous and gentlemanly thing that he did, but I wanted to explain that that is the reason why a divided report is coming to the house.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm the other culprit; I'm the sponsor of the bill. Knowing what the potential bill was but going door to door, a lot of people had problems, particularly where I live with the high electric rates as well as phone rates. I told them if I got elected I would put a bill in on their behalf to at least bring it to the committee and to let them know that there is a serious problem out there. Having served on the Utilities Committee, and being the Chair for a number of years, I knew where the bill was going to stand based on its value and the good Chair now made that a commitment and confirmed that constitutionally it does not stand and I knew that. I did have to put the bill in on behalf of my constituents to let the people down here know that there is a major problem. It probably wasn't good timing for this bill knowing that the prices of oil are going right out of sight but I did have to put the bill in, and I put it in on their behalf. When I made my announcement in committee, I made it clear that a lot of times the people who we represent cannot be there because they have jobs and commitments and that's why they can't come to Augusta. We have to act on their behalf. I did act on their behalf and I want to thank you Mr. Speaker and men

and women of the house for allowing me to get up and at least make a presentation to the chamber.

Subsequently, the 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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### CONSENT CALENDAR

#### First Day

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

(S.P. 71) (L.D. 218) Bill "An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

(S.P. 97) (L.D. 302) Bill "An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)**

(S.P. 158) (L.D. 532) Resolve, To Declare That April 6, 2005 Be National Day of Hope (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)**

(H.P. 189) (L.D. 250) Bill "An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 340) (L.D. 465) Resolve, Regarding Legislative Review of Chapter 125: Calendar Adoption, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 176) (L.D. 237) Bill "An Act To Establish a Minimum Amount for Required Interest Payments by Insurers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-43)**

(H.P. 177) (L.D. 238) Bill "An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-44)**

(H.P. 278) (L.D. 376) Bill "An Act To Enhance Uniformity of Insurance Producer Licensing" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-45)**

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

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(H.P. 533) (L.D. 738) Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-46)**

On motion of Representative MARLEY of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-46)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-46)** 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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### CONSENT CALENDAR

#### Second Day

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

(S.P. 76) (L.D. 223) Bill "An Act To Create a Family Reunion Day in August"

(S.P. 36) (L.D. 94) Bill "An Act To Credit Utility Customers with Certain Amounts Paid as Fines" (C. "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" (C. "A" S-17)

(H.P. 203) (L.D. 278) Bill "An Act To Allow Small Stores To Conduct Wine Taste Testings" (C. "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" (C. "A" H-32)

(H.P. 310) (L.D. 425) Bill "An Act To Amend the Laws Relating to Unemployment Compensation" (C. "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 (C. "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 (C. "A" H-41)

(H.P. 435) (L.D. 602) Bill "An Act To Provide for a Limited Sea Cucumber Fishery" (C. "A" H-38)

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 AS AMENDED** 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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### BILLS IN THE SECOND READING

#### House

Bill "An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws"

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

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

**House as Amended**

Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

(H.P. 233) (L.D. 309)  
(C. "A" H-33)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

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**ENACTORS**

**Acts**

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

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.

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The House recessed until 11:00 a.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Law Governing Construction Flaggers"

(H.P. 110) (L.D. 132)

Signed:

Senators:

DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

FISHER of Brewer  
SAMPSON of Auburn  
MAZUREK of Rockland  
COLLINS of Wells  
BROWNE of Vassalboro  
THOMAS of Ripley

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)** on same Bill.

Signed:

Senator:

DAMON of Hancock

Representatives:

MARLEY of Portland  
PARADIS of Frenchville

**READ.**

On Motion of Representative MARLEY of Portland the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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

The same Representative **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 to Not Pass** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 34**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, 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, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Richardson J.

NAY - Curtis, Davis G, Richardson D, Richardson E.

ABSENT - Beaudette, Faircloth, Jacobsen, Merrill, Muse, Pelletier-Simpson, Smith N, Vaughan.

Yes, 139; No, 4; Absent, 8; Excused, 0.

139 having voted in the affirmative and 4 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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**SENATE PAPERS**

Bill "An Act Regarding Licensing Boards"

(S.P. 505) (L.D. 1480)

Bill "An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 508) (L.D. 1482)

Bill "An Act To Protect Consumers and Enhance Real Estate Practice"

(S.P. 510) (L.D. 1484)

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

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

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Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities and Nursing Home Admission Contracts"

(S.P. 509) (L.D. 1483)

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



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

Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed

(S.P. 502) (L.D. 1477)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Ensure Systematic Reporting of Abortions"

(S.P. 504) (L.D. 1479)

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 Provide an Annual Cost-of-living Adjustment for Persons Receiving Workers' Compensation Benefits for Total Incapacity"

(S.P. 501) (L.D. 1476)

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 Clarify Rights of Retainage in Public Improvement Construction Contracts"

(S.P. 503) (L.D. 1478)

Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

(S.P. 507) (L.D. 1481)

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.

**ENACTORS**  
**Emergency Measure**

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005

(H.P. 533) (L.D. 738)

(C. "A" H-46)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 22 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**CONSENT CALENDAR**

**First Day**

(H.P. 534) (L.D. 739) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-72)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**SENATE PAPERS**  
**Non-Concurrent Matter**

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

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

Minority (3) **OUGHT TO PASS** Report of the Committee on **TRANSPORTATION READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** in the House on March 17, 2005.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ and ACCEPTED in NON-CONCURRENCE.**

On motion of Representative MARLEY of Portland, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE.**

**SENATE PAPERS**

The following Joint Order: (S.P. 506)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 28, 2005, at 10:00 in the morning.

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

**READ and PASSED** in concurrence.

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

On motion of Representative CUMMINGS of Portland, the House adjourned at 2:34 p.m., until 10:00 a.m., Monday, March 28, 2005 pursuant to the Joint Order (S.P. 506).