

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
Monday, March 28, 2005

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

Prayer by Reverend Dr. Stephen M. Tolander, Chief of Chaplain Services, Veteran's Hospital, Togus.

National Anthem by Rockland District High School Chorus.

Pledge of Allegiance.

The Journal of Thursday, March 24, 2005 was read and approved.

SENATE PAPERS

Bill "An Act To Lower the Cost of and Streamline the Legislative Process"

(S.P. 431) (L.D. 1252)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 102)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 689 An Act To Exempt from License Fees Small Businesses That Collect Returnable Bottles

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 103)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 474 An Act To Clarify the Authority of a County To Fund Its County Communications Center through the County Tax or Fee-for-service Agreements

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 104)

STATE OF MAINE

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

March 24, 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. 320 An Act To Limit Property Acquired by Municipalities due to Tax Delinquency

L.D. 571 An Act To Allow a Trade-in Credit in the Calculation of the Automobile Excise Tax

L.D. 709 An Act Promoting Excise Tax Fairness by Allowing Refunds for Excise Taxes Paid on Vehicles

L.D. 746 An Act To Exempt Tax on Leased Property Used by Maine's Public Higher Education Institutions

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. 105)

STATE OF MAINE

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

March 24, 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. 899 Resolve, Directing the Department of Transportation To Erect Signs on the Maine Turnpike Directing Motorists to "Historic Downtown Saco"

L.D. 930 An Act To Amend the Procedure for Election of the Casco Bay Island Transit District Board

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.

The Following Communication: (S.P. 511)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

March 23, 2005
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has nominated Susan W. Calkins of Portland for reappointment as a Justice of the Maine Supreme Court.

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

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 512)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

March 23, 2005
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has nominated Donald G. Alexander of Portland for reappointment as a Justice of the Maine Supreme Court.

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

Sincerely,

S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 513)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

March 23, 2005
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

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

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

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.C. 121)
**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

March 24, 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 Legal and Veterans Affairs, the nomination of Walter J. Simcock of Waterville for appointment to the State Liquor and Lottery Commission.

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 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 Faculty in Maine Nursing Education Programs"

(H.P. 1051) (L.D. 1494)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Senator ANDREWS of York and Representatives: CURLEY of Scarborough, PERRY of Calais.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Give Parents Control over the Sex Education of Their Children"

(H.P. 1045) (L.D. 1488)

Sponsored by Representative DUPREY of Hampden.

Cosponsored by Senator PLOWMAN of Penobscot and Representatives: CRESSEY of Cornish, CROSTHWAITE of Ellsworth, HAMPER of Oxford, STEDMAN of Hartland, Senator: COURTNEY of York.

HEALTH AND HUMAN SERVICES

Bill "An Act To Permit the Department of Health and Human Services To Charge Fees to Homestead Facility Residents"

(H.P. 1049) (L.D. 1492)

Sponsored by Representative LERMAN of Augusta.

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

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Create a Nonprofit State-run Insurance Plan"

(H.P. 1047) (L.D. 1490)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator COWGER of Kennebec and Representatives: BRAUTIGAM of Falmouth, BURNS of Berwick, CRAVEN of Lewiston, NORTON of Bangor, O'BRIEN of Lewiston, PELLETIER-SIMPSON of Auburn, SAMPSON of Auburn, WALCOTT of Lewiston.

Bill "An Act To Reduce Maine's Health Insurance Rates and Expand Consumer Choice"

(H.P. 1053) (L.D. 1496)

Sponsored by Representative GLYNN of South Portland.

Cosponsored by Representatives: BISHOP of Boothbay, BRYANT-DESCHENES of Turner, CRESSEY of Cornish, FLETCHER of Winslow, LINDELL of Frankfort, NUTTING of Oakland, SHIELDS of Auburn, VAUGHAN of Durham, Senators: DAVIS of Piscataquis, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Senator WESTON of Waldo and Representatives: ANNIS of Dover-Foxcroft, AUSTIN of Gray, BERUBE of Lisbon, BIERMAN of Sorrento, BOWEN of Rockport, BOWLES of Sanford, BROWN of South Berwick, CEBRA of Naples, CLOUGH of Scarborough, CROSTHWAITE of Ellsworth, CURLEY of Scarborough, CURTIS of Madison, DAIGLE of Arundel, DAVIS of Falmouth, DAVIS of Augusta, DUPREY of Hampden, EDGECOMB of Caribou, EMERY of Cutler, FITTS of Pittsfield, HALL of Holden, HAMPER of Oxford, HANLEY of Paris, HOTHAM of Dixfield, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, LANSLEY of Sabattus, LEWIN of Eliot, MAREAN of Hollis, McCORMICK of West Gardiner, McFADDEN of Dennysville, McKANE of Newcastle, McKENNEY of Cumberland, McLEOD of Lee, MOORE of Standish, MOULTON of York, NASS of Acton, OTT of York, PINKHAM of Lexington

Township, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Skowhegan, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, STEDMAN of Hartland, SYKES of Harrison, TARDY of Newport, THOMAS of Ripley, Senators: ANDREWS of York, CLUKEY of Aroostook, COURTNEY of York, DOW of Lincoln, NASS of York, PLOWMAN of Penobscot, ROSEN of Hancock, SAVAGE of Knox, WOODCOCK of Franklin.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Limit Corporate Influence Over the Political Process"

(H.P. 1052) (L.D. 1495)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator BROMLEY of Cumberland and Representatives: BRYANT of Windham, DUPLESSIE of Westbrook, FAIRCLOTH of Bangor, PINGREE of North Haven, TWOMEY of Biddeford, WEBSTER of Freeport, Senator: President EDMONDS of Cumberland.

NATURAL RESOURCES

Bill "An Act To Establish Citizen Ownership of Maine's Groundwater"

(H.P. 1046) (L.D. 1489)

Sponsored by Representative EDER of Portland.

Cosponsored by Representative: DUDLEY of Portland.

STATE AND LOCAL GOVERNMENT

Bill "An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property"

(H.P. 1048) (L.D. 1491)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BRYANT of Windham, CANAVAN of Waterville, DUNN of Bangor, GERZOFKY of Brunswick, NASS of Acton, PELLETIER-SIMPSON of Auburn, SHERMAN of Hodgdon.

Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone

(H.P. 1050) (L.D. 1493)

Sponsored by Representative GLYNN of South Portland.

Cosponsored by Representative McKANE of Newcastle and Representatives: LINDELL of Frankfort, PARADIS of Frenchville, VAUGHAN of Durham.

Pursuant to Statute

Family Law Advisory Commission

Representative PELLETIER-SIMPSON for the **Family Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Family Law Advisory Commission"

(H.P. 1054) (L.D. 1502)

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.

CONSENT CALENDAR

Second Day

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

(S.P. 71) (L.D. 218) Bill "An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board" (C. "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" (C. "A" S-20)

(S.P. 158) (L.D. 532) Resolve, To Declare That April 6, 2005 Be National Day of Hope (EMERGENCY) (C. "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"

(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)

(H.P. 176) (L.D. 237) Bill "An Act To Establish a Minimum Amount for Required Interest Payments by Insurers" (C. "A" H-43)

(H.P. 177) (L.D. 238) Bill "An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business" (C. "A" H-44)

(H.P. 278) (L.D. 376) Bill "An Act To Enhance Uniformity of Insurance Producer Licensing" (C. "A" H-45)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006

(H.P. 34) (L.D. 31)
(C. "A" H-29)

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. 129 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Amend the Definition of Authorized Emergency Vehicle

(S.P. 19) (L.D. 39)
(C. "A" S-16)

An Act To Require Valid Identification for Purchases of Liquor

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

An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers

(S.P. 36) (L.D. 94)
(C. "A" S-18)

An Act To Support the Department of Conservation, Bureau of Forestry's Aerial Fire Suppression Program

(S.P. 37) (L.D. 95)
(C. "A" S-17)

An Act To Allow Animal Control Officers and Individuals Who Collect Trash To Use Flashing Amber Lights on Their Vehicles

(H.P. 89) (L.D. 113)

An Act Concerning Appeal Rights under the Maine Enterprise Option Program

(S.P. 51) (L.D. 145)

An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity

(H.P. 141) (L.D. 190)
(C. "A" H-26)

An Act To Create a Family Reunion Day in August

(S.P. 76) (L.D. 223)

An Act To Amend the Applied Technology Development Centers Statutes

(S.P. 79) (L.D. 226)

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. 123) (L.D. 375)

An Act To Amend the Budget Timetable for Oxford County

(H.P. 406) (L.D. 551)

An Act To Promote Education in the Unorganized Territory

(H.P. 427) (L.D. 594)

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.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-78)** on Bill "An Act To Amend the Law Regarding Resale Certificates"

(H.P. 120) (L.D. 169)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-79)** on same Bill.

Signed:

Senator:

COURTNEY of York

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-78)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** March 29, 2005.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Alternative Power Systems from Property Taxes"

(H.P. 130) (L.D. 179)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-76)** on same Bill.

Signed:

Senator:

COURTNEY of York

READ.

On motion of Representative **WOODBURY** of Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)** on Bill "An Act To Alter Trade-in Allowances Regarding Motor Homes"

(H.P. 426) (L.D. 593)

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PINEAU of Jay
HUTTON of Bowdoinham

READ.

Representative **WOODBURY** of Yarmouth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 35

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, 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, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jennings, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - O'Brien, Pineau.

ABSENT - Bliss, Dugay, Greeley, Hutton, Jodrey, Marraché, Norton, Pinkham, Smith W, Tuttle.

Yes, 139; No, 2; Absent, 10; Excused, 0.

139 having voted in the affirmative and 2 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-75)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** March 29, 2005.

SENATE PAPERS

Bill "An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings"

(S.P. 517) (L.D. 1499)

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act"

(S.P. 518) (L.D. 1500)

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 the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes" (S.P. 515) (L.D. 1497)

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

REFERRED to the Committee on NATURAL RESOURCES in concurrence.

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial (EMERGENCY)

(S.P. 516) (L.D. 1498)

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 Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members"

(S.P. 519) (L.D. 1501)

Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY 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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on TAXATION reporting Ought Not to Pass on Bill "An Act To Exempt the United States Flag from State Taxation"

(H.P. 266) (L.D. 353)

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth

HANLEY of Paris

CLOUGH of Scarborough

PINEAU of Jay

HUTTON of Bowdoinham

WATSON of Bath

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-77) on same Bill.

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

Representatives:

CLARK of Millinocket

McCORMICK of West Gardiner

BIERMAN of Sorrento

SEAVEY of Kennebunkport

READ.

Representative WOODBURY of Yarmouth moved that the House ACCEPT the Majority Ought Not to Pass Report.

Representative TARDY of Newport 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. 36

YEA - Adams, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Cain, Canavan, Clough, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Grose, Hanley B, Hanley S, Harlow, Hotham, Koffman, Lerman, Lundeen, Makas, Marley, McKane, Merrill, Miller, Mills, Moody, Muse, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Schatz, Smith N, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duprey, Eder, Edgcomb, Emery, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hogan, Jackson, Jacobsen, Jennings, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, Mazurek, McCormick, McFadden, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Patrick, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bliss, Burns, Dugay, Greeley, Hutton, Jodrey, Marraché, Norton, Pinkham, Smith W, Tuttle.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

Subsequently, on motion of Representative BIERMAN of Sorrento, the Minority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-77) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING March 29, 2005.

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

On motion of Representative SHERMAN of Hodgdon, the House adjourned at 11:12 a.m., until 10:00 a.m., March 29, 2005 in honor and lasting tribute to Roy A. Quint of Hodgdon.