

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
30th Legislative Day
Wednesday, March 30, 2005

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

Prayer by Dr. Robert H. Crosthwaite, Pastor, Faith Community Fellowship, Ellsworth.

National Anthem by Cindy Morin, Greene.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 106)

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

March 28, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 861 An Act To Amend Arborist Licensing Law

L.D. 959 Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Develop a Plan To Create a Regional Recreation Center in the Town of Blue Hill

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. John F. Piotti

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 107)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 28, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 120 An Act To Require the Turkey Season To Include the Last 2 Weeks of April

L.D. 233 An Act To Change the Definition of "Snowmobile"

L.D. 420 An Act To Establish a 3-day Field Trial Competition on Bobcats

L.D. 651 An Act Regarding Education of Certain Personal Watercraft Operators

L.D. 923 Resolve, To Begin and End the Fall Wild Turkey Hunting Season One Week Earlier

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

Sincerely,

S/Sen. Bruce Bryant

Senate Chair

S/Rep. Thomas R. Watson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 108)

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

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

L.D. 109 An Act To Require That Accelerated Campaign Finance Reports Be Completed by Both Clean Election and Nonparticipating Candidates

L.D. 422 An Act To Remove the Restriction on the Number of Liquor Licenses Issued

L.D. 456 An Act To Make Disputed Ballots in State Elections Public

L.D. 706 An Act To Restrict a Nominated Political Candidate in an Election from Changing Political Parties during the Elected Term

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. 109)

**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. 112 An Act To Conform Maine Estate Tax Law with Federal Estate Tax Laws
L.D. 752 An Act Regarding Equipment Used in Food Preparation under the BETR Program
L.D. 988 An Act To Amend the Maine Tree Growth Tax Law

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. 110)
STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**
March 28, 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. 703 An Act To Clarify the Offense of Burglary of a Motor Vehicle
L.D. 847 An Act To Increase the Class of Crime for Home Trespass

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.

(2-6) The Following Communication: (H.C. 112)
STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**
March 29, 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 bill out "Ought Not to Pass":

L.D. 893 An Act To Change Mandatory Minimum Sentences in Certain Cases

We have also notified the sponsor and cosponsors 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. 113)

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

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

L.D. 848 An Act To Restore to Maine Citizens Responsible Access to Sebago Lake
L.D. 849 An Act To Require That Certain Water Districts Install Sand Filtration Systems To Ensure the Safety and Purity of the Water Supply

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.

**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:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Regarding the Budget Process for the Legislative Youth Advisory Council"

(H.P. 1056) (L.D. 1511)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Senator WESTON of Waldo and Representatives: PARADIS of Frenchville, TARDY of Newport, Senator: DAVIS of Piscataquis.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require Coordinated Early Childhood Care and Preschool Education in Maine" (EMERGENCY)

(H.P. 1058) (L.D. 1513)

Sponsored by Representative PINGREE of North Haven.
Cosponsored by Senator MILLS of Somerset and Representatives: CAIN of Orono, CUMMINGS of Portland, DAVIS of Falmouth, MAKAS of Lewiston, NORTON of Bangor, TRAHAN of Waldoboro, Senators: MITCHELL of Kennebec, TURNER of Cumberland.

HEALTH AND HUMAN SERVICES

Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System (H.P. 1060) (L.D. 1515)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: CUMMINGS of Portland, CURLEY of Scarborough, DUDLEY of Portland, MILLER of Somerville, WALCOTT of Lewiston, WEBSTER of Freeport, Senators: BRENNAN of Cumberland, ROSEN of Hancock.

JUDICIARY

Resolve, Directing the Bureau of Health To Study the Effectiveness and Quality of Reproductive Counseling (H.P. 1057) (L.D. 1512)

Sponsored by Representative DAIGLE of Arundel.

Bill "An Act To Increase Access to Justice in Maine's Court System"

(H.P. 1065) (L.D. 1518)

Sponsored by Speaker RICHARDSON of Brunswick. Cosponsored by President EDMONDS of Cumberland and Representatives: BARSTOW of Gorham, BISHOP of Boothbay, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRAUTIGAM of Falmouth, BURNS of Berwick, CAIN of Orono, CLARK of Millinocket, CROSBY of Topsham, CUMMINGS of Portland, CURLEY of Scarborough, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUPLESSIE of Westbrook, EBERLE of South Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, GERZOFKY of Brunswick, HOGAN of Old Orchard Beach, MARLEY of Portland, NORTON of Bangor, NUTTING of Oakland, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PINGREE of North Haven, PIOTTI of Unity, SAMPSON of Auburn, SMITH of Monmouth, TARDY of Newport, TUTTLE of Sanford, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BRENNAN of Cumberland, GAGNON of Kennebec, HOBBS of York, ROTUNDO of Androscoggin.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Enhance the Transparency of Maine's Elections"

(H.P. 1059) (L.D. 1514)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by President EDMONDS of Cumberland and Representatives: CANAVAN of Waterville, CUMMINGS of Portland, PATRICK of Rumford, SCHATZ of Blue Hill, TRAHAN of Waldoboro, WALCOTT of Lewiston, WEBSTER of Freeport, Senator: DAMON of Hancock.

Pursuant to Statute

Criminal Law Advisory Commission

Representative BLANCHETTE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment"

(H.P. 1061) (L.D. 1516)

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

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

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative BLANCHETTE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity"

(H.P. 1062) (L.D. 1517)

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

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

Sent for concurrence.

ORDERS

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 1064) (Cosponsored by Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebec, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BIERMAN of Sorrento, BISHOP of Boothbay, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWN of South Berwick, BROWNE of Vassalboro, BRYANT of Windham, BRYANT-DESCHENES of Turner, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CARR of Lincoln, CEBRA of Naples, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURLEY of Scarborough, CURTIS of Madison, DAIGLE of Arundel, DAVIS of Falmouth, DAVIS of Augusta, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, EDER of Portland, EDGECOMB of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HALL of Holden, HAMPER of Oxford, HANLEY of Paris, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, LUNDEEN of Mars Hill, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, McCORMICK of West Gardiner, McFADDEN of Dennysville, McKANE of Newcastle, McKENNEY of Cumberland, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MOULTON of York, MUSE of Fryeburg,

NASS of Acton, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SHIELDS of Auburn, SMITH of Monmouth, SMITH of Van Buren, SOCKALEXIS of the Penobscot Nation, STEDMAN of Hartland, SYKES of Harrison, TARDY of Newport, THOMAS of Ripley, THOMPSON of China, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: ANDREWS of York, BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CLUKEY of Aroostook, COURTNEY of York, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GAGNON of Kennebec, HASTINGS of Oxford, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MILLS of Somerset, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin)

**JOINT RESOLUTION RECOGNIZING THE
GROUNDBREAKING SERVICE OF WOMEN AS OFFICERS
OF THE MAINE STATE LEGISLATURE**

WHEREAS, this year marks the 85th anniversary of the 19th Amendment to the United States Constitution; and

WHEREAS, March has been designated as National Women's History Month; and

WHEREAS, the theme for this year's National Women's History Month is "Women Change America," honoring and recognizing the role of American women in transforming culture, history and politics as leaders, writers, scientists, educators, politicians, artists, historians and informed citizens; and

WHEREAS, "Women Change America" also celebrates the myriad ways in which the spirit, courage and contributions of American women have added to the vitality, richness and diversity of American life; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, on behalf of the people we represent, salute the women of Maine who have served as officers of the Maine Senate and the Maine House of Representatives over the last 56 years and applaud their accomplishments:

Clerks of the House

Bertha W. Johnson, 1967-1972;

E. Louise Lincoln, 1973-1975;

Deborah (Wood) Ward, Acting Clerk, June 1, 1992 to October 1, 1992; and

Millicent M. MacFarland, 2000 to present;
Assistant Clerks

E. May Chapman, 1949-1960;

Regis T. Strout, 1967-1972;

Catherine M. Fenderson, 1973-1974;
Deborah (Wood) Ward, 1977-1992; and
Millicent M. MacFarland, 1992-2000;

Secretaries of the Senate

May M. Ross, 1977-1982, 1994-1996;

Pamela L. Cahill, 2001-2002; and

Joy J. O'Brien, 1982-1994, 1996-2001 and 2002 to present; and

Assistant Secretaries

Beatrice Gidney, 1957, appointed to fill Assistant Secretary position;

May M. Ross, 1973-1976;

Mary S. Porter, 1977-1982;

Valerie (Mitchell) Craig, 1980-1985;

Elizabeth H. Mitchell, 1985, appointed to fill Assistant Secretary position;

Pamela E. Lovley, 1985-1994;

Pamela L. Cahill, 1994-1996 and 2000-2001;

Joy J. O'Brien, 2001-2002; and

Judith M. DeFranco, 1996-2000 and 2002 to present; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to these extraordinary women with our thanks for their service to the Legislature and the people of Maine.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative PINEAU of Jay, the following Joint Resolution: (H.P. 1063) (Cosponsored by Senator RAYE of Washington and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, BABBIDGE of Kennebunk, BARSTOW of Gorham, BISHOP of Boothbay, BLANCHETTE of Bangor, BRYANT of Windham, CAMPBELL of Newfield, CARR of Lincoln, CLARK of Millinocket, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, DAVIS of Falmouth, DRISCOLL of Westbrook, DUPLESSIE of Westbrook, EBERLE of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HARLOW of Portland, JACOBSEN of Waterboro, LERMAN of Augusta, MAKAS of Lewiston, MAREAN of Hollis, MARRACHÉ of Waterville, MERRILL of Appleton, MILLS of Farmington, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOULTON of York, NORTON of Bangor, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PINGREE of North Haven, RINES of Wiscasset, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHIELDS of Auburn, SMITH of Monmouth, SMITH of Van Buren, THOMPSON of China, TWOMEY of Biddeford, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, Senators: BARTLETT of Cumberland, BROMLEY of Cumberland, COWGER of Kennebec, DAMON of Hancock, GAGNON of Kennebec, HOBBS of York, MAYO of Sagadahoc, MITCHELL of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES IN SUPPORT
OF THE TOGUS VETERANS AFFAIRS MEDICAL CENTER**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the Veterans Affairs Medical Center in Togus, Maine, is the oldest facility operated by the United States Department of Veterans Affairs in the country, having been opened in 1866; and

WHEREAS, the Togus Veterans Affairs Medical Center provides general medical, surgical and mental health services to our nation's veterans; and

WHEREAS, the Togus Veterans Affairs Medical Center is the only United States Department of Veterans Affairs medical center in Maine, a large and rural state; and

WHEREAS, the State of Maine has a large population of military veterans, with more returning from Iraq, Afghanistan and elsewhere around the globe every day; and

WHEREAS, a cut in funding for the Togus Veterans Affairs Medical Center would be devastating to the medical center's ability to provide basic health care services to our nation's veterans; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress support the Togus Veterans Affairs Medical Center as a vital resource in serving our nation's military veterans and providing veterans in Maine with much-needed and deserved health care services accessible from all points in the State; and be it further

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

READ and ADOPTED.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 248) (L.D. 750) Bill "An Act To Clarify the Authority of Podiatrists To Use Assistants" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 314) (L.D. 906) Bill "An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 366) (L.D. 491) Bill "An Act To Cure an Inconsistency Regarding Judgment Liens" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 293) (L.D. 391) Bill "An Act To Amend the Maine Motor Vehicle Franchise Board Laws" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-90)**

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. 132) (L.D. 408) Bill "An Act Limiting Recovery of Disability Benefits Subject to Offsets" (C. "A" S-23)

(S.P. 133) (L.D. 409) Bill "An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties" (C. "A" S-22)

(S.P. 242) (L.D. 744) Bill "An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority" (EMERGENCY) (C. "A" S-31)

(H.P. 398) (L.D. 522) Bill "An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors"

(H.P. 695) (L.D. 985) Bill "An Act To Amend Appellate Review Jurisdiction of the Superior Court"

(H.P. 318) (L.D. 433) Bill "An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations" (C. "A" H-81)

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.**

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Prohibit Certain Uses of a Financial Institution's Name"

(S.P. 151) (L.D. 464)

(C. "A" S-24)

Bill "An Act To Provide Public Health Protection Authority to the Department of Marine Resources"

(S.P. 228) (L.D. 691)

(S. "A" S-45)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

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

(H.P. 534) (L.D. 739)

(C. "A" H-72)

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. 130 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, To Recognize April 6, 2005 as the National Day of Hope

(S.P. 158) (L.D. 532)

(C. "A" S-19)

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 wanted to take

this brief opportunity to let the House know what exactly we are voting on. If you do look at the language it is very broad.

The National Day of Hope is a day that is recognized in many states across this nation and by passing this resolve we will be recognizing this day and the issue of child abuse and neglect, that, unfortunately, is in our society and I think that we all can agree on both sides that this issue is one that should get recognition.

I wanted to bring attention to it because a lot of times we have these bills come forward, the Chief Executive has proclamations and I feel that it is very good that we can bring this forward to enlighten the House in regards to what we are about to vote on and I hope for their support on this. Thank you Mr. Speaker.

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. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board

(S.P. 71) (L.D. 218)
(C. "A" S-21)

An Act To Require Notice prior to Decreases in Wage or Salary Rates

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

An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases

(S.P. 97) (L.D. 302)
(C. "A" S-20)

An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board

(H.P. 245) (L.D. 322)

An Act To Revise the Salary Range of Certain Public Utilities Commission Employees

(H.P. 476) (L.D. 656)
(C. "A" H-25)

An Act To Require Agricultural Representation on the Maine Tourism Commission

(H.P. 493) (L.D. 673)

An Act To Codify Unallocated Law Regarding the Maine State Retirement System

(H.P. 672) (L.D. 962)

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:

ENACTORS

Acts

An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation

(S.P. 413) (L.D. 1196)
(H. "I" H-92)

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

Representative BOWLES of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 63

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Curley, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Makas, Marley, Mazurek, McCormick, Merrill, Miller, Mills, Moody, Moore G, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson E, Richardson M, Richardson W, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan.

ABSENT - Joy, Marraché.

Yes, 91; No, 58; Absent, 2; Excused, 0.

91 having voted in the affirmative and 58 voted in the negative, with 2 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Bill "An Act To Regulate Fire Alarm Contractors"

(S.P. 524) (L.D. 1508)

Bill "An Act To Amend the Laws Governing the Manufactured Housing Board"

(S.P. 525) (L.D. 1509)

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 Amend the Lobster Fishing Laws of Maine"

(S.P. 526) (L.D. 1510)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

ENACTORS

Acts

An Act To Allow Small Stores To Conduct Wine Taste Testings

(H.P. 203) (L.D. 278)
(C. "A" H-42)

An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement

(H.P. 263) (L.D. 350)
(C. "A" H-32)

An Act To Amend the Laws Relating to Unemployment Compensation

(H.P. 310) (L.D. 425)
(C. "A" H-31)

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

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

An Act To Provide for a Limited Sea Cucumber Fishery

(H.P. 435) (L.D. 602)
(C. "A" H-38)

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. **ORDERED SENT FORTHWITH.**

Resolves

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

(H.P. 364) (L.D. 489)
(C. "A" H-40)

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

(H.P. 379) (L.D. 504)
(C. "A" H-41)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

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

In reference to the action of the House on March 24, 2005 whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative CARR of Lincoln
Representative PARADIS of Frenchville
Representative BLANCHARD of Old Town

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)

(H.P. 343) (L.D. 468)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENTS "E" (H-52), "T" (H-67), AND "CC" (H-93) thereto in the House on March 30, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY SENATE AMENDMENT "V" (S-56)** thereto in **NON-CONCURRENCE.**

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR.**

Representative BRANNIGAN of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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 To Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 64

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Davis G, 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, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, 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, Twomey, Vaughan.

ABSENT - Joy, Muse.

Yes, 77; No, 72; Absent, 2; Excused, 0.

77 having voted in the affirmative and 72 voted in the negative, with 2 being absent, and accordingly the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

ENACTORS
Acts

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007

(H.P. 343) (L.D. 468)
(S. "V" S-56 to C. "A" H-35)

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

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 65

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Davis G, 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, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, 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, Twomey, Vaughan.

ABSENT - Joy.

Yes, 77; No, 73; Absent, 1; Excused, 0.

77 having voted in the affirmative and 73 voted in the negative, with 1 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

The Speaker appointed Representative DUPLESSIE of Westbrook on the part of the House to inform the Senate that the House was ready to adjourn without day.

At this point, a message came from the Senate borne by Senator Gagnon of that Body, informing the House that the Senate was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN E. BALDACCI, and inform him that the House was ready to adjourn without day:

Representative BRANNIGAN of Portland
Representative DUDLEY of Portland
Representative CRAVEN of Lewiston
Representative FISCHER of Presque Isle
Representative LERMAN of Augusta
Representative MILLS of Farmington
Representative MILLETT of Waterford
Representative NUTTING of Oakland
Representative BOWEN of Rockport
Representative CURLEY of Scarborough

Subsequently, Representative DUPLESSIE reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

SENATE PAPERS

The following Joint Order: (S.P. 532)

ORDERED, the House concurring, that all matters in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices and gubernatorial nominations, at the time of adjournment of the First Regular Session of the 122nd Legislature be held over to the next special session of the 122nd Legislature; and be it further

ORDERED, that any public hearing, work session or other meeting to conduct the business of the Legislature that is scheduled at the time this order is passed is hereby authorized to occur.

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

READ and **PASSED** in concurrence.

SENATE PAPERS

The following Joint Resolution: (S.P. 531)

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are locally owned and governed financial cooperatives dedicated and committed to serving the needs of their members. Each and every credit union member is an owner and has an equal voice in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are committed to the more than 600,000 consumers in the State that belong to credit unions; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high performance and satisfaction that consumers assign to Maine's credit unions. For 19 consecutive years, credit unions have ranked first in consumer satisfaction. The role credit unions play in serving as the primary financial institution of choice is underscored by the fact that Maine has been ranked as the 5th strongest credit union state in the nation for the past 5 years. Nearly one in every 2 Maine residents belongs to a credit union; and

WHEREAS, the more than 1,900 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers that serve on credit union boards and committees

exemplify the core credit union values, philosophy and mission of Maine people helping Maine people and contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised more than \$1,750,000 to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Union's Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. As a result of Maine's credit unions' resolute devotion to this cause, Maine is recognized as a leading state in the nation in increasing awareness and helping to solve the problem of hunger. Maine's credit unions have also contributed hundreds of thousands of dollars to positively affect the lives of Maine Special Olympians from across the State. Additionally, Maine's credit unions voluntarily contribute thousands of dollars to organizations and agencies in their own communities and donate countless hours to enrich the lives of the citizens in the communities in which they serve; and

WHEREAS, since 1921, Maine's credit unions have been a source of economic stability and assistance in helping thousands of Maine people in communities across Maine realize financial success. Throughout Maine, credit unions continue to make a positive and profound difference in the lives of individuals and remain a constant source of pride and spirit in the communities they serve, now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for the affirmative role they have played and the inspiration they have provided to Maine citizens and their communities for more than 84 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 75 affiliated credit unions.

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

READ and **ADOPTED** in concurrence.

Representative WHEELER of Kittery moved that the House stand **ADJOURNED WITHOUT DAY**.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative TARDY: Mr. Speaker, Ladies and Gentlemen of the House. When we leave this building tonight we're going to part as friends. There's a lot of mutual respect for each other on both sides of the aisle. Mr. Speaker, you know that I respect the job that you have and the job that you've done, but today is March 30th and this Legislature is about to Adjourn Without Day and, Mr. Speaker, it's my obligation to suggest to you that this indicates system failure for the people of Maine. We started this session with a bipartisan spirit in LD 1 and while many of us disagree with the final product of that endeavor we Republicans were pleased to be at the table sharing ideas, offering compromise, attempting to meet our obligations to put people, not party first. The Maine Legislature has a great tradition - not withstanding the events of the 121st - of honoring bipartisan budgeting, of recognizing that a Legislature has a duty to work for the people. Mr. Speaker, the budget caused this adjournment motion. It challenges our great tradition and here we are tonight ready to go home. With the ink drying on a budget with only one set of fingerprints, a budget that spends \$5.9 billion despite an LD 1 pledge to control spending and we're telling the people of

Maine that this is the best we can do. Mr. Speaker, we can do better, wouldn't you agree, but Mr. Speaker, Men and Women of the House, notwithstanding our system failure, our Republican pledge to you and this institution and to the people of Maine is to continue working in a manner of which we should all be proud. That is our commitment to you. We're going to go to work and we're going to get the work done for the people of Maine. Mr. Speaker, I oppose this motion to Adjourn and when the vote is taken I respectfully request the yeas and nays.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADJOURN WITHOUT DAY**.

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 to Adjourn Without Day. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 66

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, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Annis, Faircloth, Greeley, Hutton, Joy, Lewin, McKenney, Rosen, Sherman, Thomas.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly the House Adjourned Without Day at 10:52 p.m. Wednesday, March 30, 2005.