

# 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 SPECIAL SESSION  
1st Legislative Day  
Monday, April 4, 2005

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Second Legislature in extra session, the members of the House of Representatives assembled in their hall at 11:00 in the morning and were called to Order by the Speaker.

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Strong.

Pledge of Allegiance.

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**CALLING OF THE ROLL**

A roll call was taken. 126 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative BEAUDETTE of Biddeford  
Representative BIERMAN of Sorrento  
Representative DUDLEY of Portland  
Representative DUGAY of Cherryfield  
Representative DUNN of Bangor  
Representative DUPREY of Hampden  
Representative EBERLE of South Portland  
Representative EDER of Portland  
Representative FAIRCLOTH of Bangor  
Representative GOLDMAN of Cape Elizabeth  
Representative HAMPER of Oxford  
Representative HANLEY of Gardiner  
Representative HOTHAM of Dixfield  
Representative JODREY of Bethel  
Representative LERMAN of Augusta  
Representative MARRACHÉ of Waterville  
Representative MCKANE of Newcastle  
Representative MOODY of Manchester  
Representative OTT of York  
Representative PERRY of Calais  
Representative PILON of Saco  
Representative RICHARDSON of Warren  
Representative SEAVEY of Kennebunkport  
Representative SMITH of Van Buren  
Representative THOMAS of Ripley

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The Following Proclamation: (H.C. 117)

**STATE OF MAINE  
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of the recess of the First Regular Session of the 122nd Legislature of the State of Maine; and

WHEREAS, the public health, safety and welfare requires that the Legislature resolve these pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 122nd Legislature of the State of Maine, including but not limited to pending legislation and pending nominations of state board and commission members by the Governor requiring legislative confirmation;

NOW, THEREFORE, I, JOHN ELIAS BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part I, Section 13 of the

Constitution of the State of Maine, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Monday, April 4, 2005 at 11:00 o'clock in the morning, in order to receive communications, resolve pending legislation carried over from the First Regular Session of the 122nd Legislature and act upon pending nominations.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 31st day of March in the year Two Thousand and Five.

S/JOHN ELIAS BALDACCI

Governor

S/MATTHEW DUNLAP

Secretary of State

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative CUMMINGS of Portland, the following House Order: (H.O. 30)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor John E. Baldacci, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

**READ and PASSED.**

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The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

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

---

A message was received from the Senate, borne by Senator Martin of Aroostook of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

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On motion of Representative DUPLESSIE of Westbrook, the following House Order: (H.O. 31)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

**READ and PASSED.**

---

The Speaker appointed Representative CUMMINGS of Portland to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 528)  
**JOINT RESOLUTION IN RECOGNITION OF THE  
GROUNDBREAKING  
SERVICE OF WOMEN IN LEADERSHIP IN 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; and

WHEREAS, we salute the women of Maine who have led the Maine Senate over the last 60 years:

Minette H. Cummings (R), Assistant Majority Leader, 1975;  
Barbara A. Gill (R), Assistant Minority Leader, 1982;  
Nancy Randall Clark (D), Assistant Majority Leader, 1984 and Majority Leader, 1986;  
Pamela L. Cahill (R), Assistant Minority Leader, 1988 and Minority Leader, 1992;  
Beverly Miner Bustin (D), Assistant Majority Leader, 1992 and Assistant Minority Leader, 1994;  
Jane A. Amero (R), Assistant Majority Leader, 1994 and Minority Leader, 1996 and 1998;  
Chellie Pingree (D), Majority Leader, 1996 and 1998;  
Anne Rand (D), Assistant Majority Leader, 1996 and 1998;  
Mary E. Small (R), Republican Leader, 2000;  
Beverly Daggett (D), Democratic Leader, 2000 and President of the Senate, 2002;  
Sharon A. Treat (D), Assistant Democratic Leader, 2000 and Majority Leader, 2002;  
Carol Weston (R), Assistant Minority Leader, 2004; and  
Beth Edmonds (D), President of the Senate, 2004; and

WHEREAS, we salute the women of Maine who have led the Maine House of Representatives over the last 60 years:  
Elizabeth Deering Moffat (R), Assistant Majority Leader, 1945;  
Lucia M. Cormier (D), House Minority Leader, 1959;  
Mary Najarian (D), Assistant Majority Leader, 1975;  
Elizabeth H. Mitchell (D), Assistant Majority Leader, 1979, Majority Leader, 1980 and Speaker of the House, 1996;  
Mary Clark Webster (R), Minority Leader, 1988; and  
Carol Kontos (D), Majority Leader, 1996; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, salute these extraordinary women and applaud their accomplishments; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the women named, who have served in leadership roles in the Legislature.

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

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**Non-Concurrent Matter**

Bill "An Act To Increase Faculty in Maine Nursing Education Programs"

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

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on March 28, 2005.

Came from the Senate **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 114)

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

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

L.D. 103 An Act To Establish the Fully Informed Jury Act  
L.D. 281 An Act Authorizing Property Managers To Bring Eviction Actions on Behalf of Landlords  
L.D. 432 An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens  
L.D. 681 An Act Regarding the Use of Arbitration in Certain Consumer Cases  
L.D. 869 An Act To Extend Recognition to the Metis People

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

Sincerely,  
S/Sen. Barry J. Hobbins  
Senate Chair  
S/Rep. Deborah Pelletier-Simpson  
House Chair

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

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The Following Communication: (H.C. 115)

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

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

L.D. 191 An Act Requiring Internet Auction Registration  
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.**

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The Following Communication: (H.C. 116)

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

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

L.D. 58 An Act To Support Payroll Processors  
L.D. 208 An Act To Lower the Surety Bond Requirement  
for Payroll Processors

We have also notified the sponsors and cosponsors of each bill listed 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.**

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The Following Communication: (H.C. 118)

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

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

L.D. 896 An Act To Encourage State Employees To  
Continue Employment

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

Sincerely,  
S/Sen. Ethan Strimling  
Senate Chair  
S/Rep. William J. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 119)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

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

L.D. 938 Resolve, To Restore the Atlantic Salmon  
Population on the Pleasant River

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

Sincerely,  
S/Sen. Dennis Damon  
Senate Chair  
S/Rep. Leila J. Percy  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 527)  
**122ND MAINE LEGISLATURE  
AUGUSTA, ME 04333**

March 29, 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 Kevin L. Stitham of Dover-Foxcroft for reappointment as a Maine District Court Judge.

Pursuant to Maine Constitution Title 4, M.R.S.A. § 157, 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.

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The Following Communication: (S.C. 137)

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

March 30, 2005

Honorable John Richardson  
Speaker of the House  
2 State House Station  
Augusta, ME 04333-0002  
Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Dr. Robert E. McAfee of Portland for reappointment to the Dirigo Health, Board of Directors.

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

**READ and ORDERED PLACED ON FILE.**

Subsequently, Representative CUMMINGS of Portland reported that he had delivered the message with which he was charged.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills 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 Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card"

(H.P. 1069) (L.D. 1522)

Sponsored by Representative DUPLESSIE of Westbrook.

Bill "An Act To Update Professional and Occupational Licensing Laws"

(H.P. 1071) (L.D. 1524)

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

Cosponsored by Senator BROMLEY of Cumberland and Representatives: AUSTIN of Gray, RECTOR of Thomaston, Senator: DOW of Lincoln.

Bill "An Act To Amend the Real Estate Brokerage Laws"

(H.P. 1072) (L.D. 1525)

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

Cosponsored by Senator DOW of Lincoln and Representatives: AUSTIN of Gray, RECTOR of Thomaston, Senator: BROMLEY of Cumberland.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents"

(H.P. 1068) (L.D. 1521)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator MILLS of Somerset and Representatives: BLANCHETTE of Bangor, MARLEY of Portland.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Facilitate Summer Youth Employment"

(H.P. 1084) (L.D. 1543)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator COWGER of Kennebec and Representatives: CUMMINGS of Portland, DAIGLE of Arundel, MAZUREK of Rockland, PERCY of Phippsburg, RECTOR of

Thomaston, SCHATZ of Blue Hill, Senators: DAMON of Hancock, TURNER of Cumberland.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act Regarding Published Descriptions of Recreational Trails That Cross Certain Parcels of Private Property"

(H.P. 1066) (L.D. 1519)

Sponsored by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator BRYANT of Oxford and Representatives: BROWNE of Vassalboro, CARR of Lincoln, JENNINGS of Leeds, JODREY of Bethel, PATRICK of Rumford, PINEAU of Jay, PIOTTI of Unity, SAVIELLO of Wilton.

Bill "An Act To End the Use of Wire Neck Snares"

(H.P. 1076) (L.D. 1531)

Sponsored by Representative EDER of Portland.

Subsequently, Representative BARSTOW of Gorham reported that the Committee had delivered the message with which it was charged.

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**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Create Lower-cost Health Insurance Options"

(H.P. 1070) (L.D. 1523)

Sponsored by Representative WOODBURY of Yarmouth.

Cosponsored by Representatives: BRAUTIGAM of Falmouth, PILON of Saco, Senator: MILLS of Somerset.

Bill "An Act To Establish a Cooperative Approach to Health Care Coverage"

(H.P. 1086) (L.D. 1545)

Sponsored by Representative DAIGLE of Arundel.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, MARLEY of Portland, MARRACHÉ of Waterville, PINEAU of Jay, PINGREE of North Haven, WOODBURY of Yarmouth, Senator: MILLS of Somerset.

Bill "An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks"

(H.P. 1083) (L.D. 1542)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo and Representatives: BIERMAN of Sorrento, CARR of Lincoln, DUGAY of Cherryfield, DUNN of Bangor, EMERY of Cutler, MILLS of Farmington, TARDY of Newport, Senator: COWGER of Kennebec.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative BRAUTIGAM of Falmouth, **TABLED** pending **REFERENCE** and later today assigned.

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**JUDICIARY**

Bill "An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families"

(H.P. 1077) (L.D. 1532)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Senator HOBBS of York and Representatives: BRYANT of Windham, CUMMINGS of Portland, DUNN of Bangor, EDER of Portland, PELLETIER-SIMPSON of Auburn, Speaker RICHARDSON of Brunswick, Senators: BRENNAN of Cumberland, MILLS of Somerset.

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**NATURAL RESOURCES**

Bill "An Act To Prevent Algae Blooms in Gulf Island Pond"  
(H.P. 1078) (L.D. 1533)

Sponsored by Representative PINEAU of Jay.  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: CLARK of Millinocket, FLETCHER of Winslow,  
HOTHAM of Dixfield, JENNINGS of Leeds, PATRICK of  
Rumford, SHERMAN of Hodgdon, Senators: BRYANT of Oxford,  
MARTIN of Aroostook.

Bill "An Act Making Improvements to the Laws Regarding  
Local Land Use Ordinances"

(H.P. 1080) (L.D. 1535)

Sponsored by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Senator BROMLEY of Cumberland and  
Representatives: BARSTOW of Gorham, CRAVEN of Lewiston,  
DAVIS of Falmouth, DUCHESNE of Hudson, EBERLE of South  
Portland, MAKAS of Lewiston, RECTOR of Thomaston,  
SAMPSON of Auburn.

Bill "An Act To Ensure Appropriate Development in Lands  
under the Jurisdiction of the Maine Land Use Regulation  
Commission"

(H.P. 1088) (L.D. 1547)

Sponsored by Representative PERCY of Phippsburg.  
Cosponsored by Senator DAMON of Hancock and  
Representatives: PIOTTI of Unity, SMITH of Monmouth,  
Senators: BROMLEY of Cumberland, NUTTING of  
Androscoggin.

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**TAXATION**

Bill "An Act To Provide Reimbursement for Road  
Maintenance to Property Owners in the Unorganized Territory"

(H.P. 1067) (L.D. 1520)

Sponsored by Representative DUPLESSIE of Westbrook.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: BARSTOW of Gorham, JACKSON of Fort Kent,  
JENNINGS of Leeds, PINEAU of Jay, SAVIELLO of Wilton,  
SMITH of Van Buren, Senator: MILLS of Somerset.

Bill "An Act To Encourage the Production of Biodiesel from  
Forest Products, Agricultural Products and Waste Vegetable Oil"

(H.P. 1079) (L.D. 1534)

Sponsored by Representative THOMPSON of China.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: BROWNE of Vassalboro, EDER of Portland,  
KOFFMAN of Bar Harbor, McCORMICK of West Gardiner,  
PIOTTI of Unity, SAVIELLO of Wilton, SMITH of Monmouth,  
Senator: SAVAGE of Knox.

Bill "An Act Concerning Technical Changes to the Tax Laws"

(H.P. 1087) (L.D. 1546)

Sponsored by Representative WOODBURY of Yarmouth.  
Cosponsored by Senator PERRY of Penobscot.  
Submitted by the Department of Administrative and Financial  
Services pursuant to Joint Rule 204.

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Bill "An Act To Reduce Property Taxes by Reforming County  
Government"

(H.P. 1081) (L.D. 1536)

Sponsored by Representative MERRILL of Appleton.  
Cosponsored by Representatives: DUDLEY of Portland,  
PINGREE of North Haven, PIOTTI of Unity, SCHATZ of Blue Hill.  
Committee on TAXATION suggested.

On motion of Representative WOODBURY of Yarmouth, the  
Bill was REFERRED to the Committee on **STATE AND LOCAL  
GOVERNMENT**, ordered printed and sent for concurrence.

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**TRANSPORTATION**

Bill "An Act To Exempt Vehicles Hauling Equipment Used for  
Timber Harvesting from Certain Restrictions Posted on Roads"

(H.P. 1085) (L.D. 1544)

Sponsored by Representative JACKSON of Fort Kent.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: FISCHER of Presque Isle, HOGAN of Old  
Orchard Beach, PARADIS of Frenchville, PATRICK of Rumford,  
SMITH of Van Buren, Senator: MARTIN of Aroostook.

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**Pursuant to Statute**

**Department of Education, State Board of Education**

Representative NORTON for the **Department of Education,  
State Board of Education** pursuant to the Maine Revised  
Statutes, Title 5, section 8072 asks leave to report that the  
accompanying Resolve, Regarding Legislative Review of Chapter  
180, Subchapter XIII: Continued Provision of Free Appropriate  
Public Education for Five-Year-Olds Born Between September  
1st and October 15th, a Major Substantive Rule of the  
Department of Education (EMERGENCY)

(H.P. 1074) (L.D. 1529)

Be REFERRED to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

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**Pursuant to Statute**

**Department of Education**

Representative NORTON for the **Department of Education**  
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 115: Certification,  
Authorization and Approval of Educational Personnel, Part I and  
Part II, a Major Substantive Rule of the Department of Education  
(EMERGENCY)

(H.P. 1075) (L.D. 1530)

Be REFERRED to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

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**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 Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues" (H.P. 1073) (L.D. 1526)

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.

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**ORDERS**

On motion of Representative GLYNN of South Portland, the following Joint Order: (H.P. 1089)

**ORDERED**, the Senate concurring, that the Study Commission on Cumberland County Regionalization is established as follows.

**1. Study Commission on Cumberland County Regionalization established.** The Study Commission on Cumberland County Regionalization, referred to in this order as "the study commission," is established to study and make recommendations on regional delivery of services in Cumberland County.

**2. Membership.** The study commission consists of the following 6 members:

A. Two members of the Senate from Cumberland County, appointed by the President of the Senate, including one from each major political party; and

B. Four members of the House of Representatives from Cumberland County, appointed by the Speaker of the House, including 2 from each major political party.

**3. Study commission cochairs.** The first-named Senator is the Senate chair of the study commission and the first-named member of the House is the House chair of the study commission.

**4. Appointments; convening of study commission.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the study commission shall call and convene the first meeting of the study commission, which may be no later than September 15, 2005.

**5. Duties.** The study commission:

A. Shall undertake a regionalization study with regard to 4 areas: water districts, waste systems, bus and transportation systems and emergency services dispatch systems;

B. Shall include all public and quasi-public entities and nonprofit corporations formed pursuant to law currently providing services in Cumberland County in the 4 areas to be studied;

C. Shall consider establishing county departments for water districts, regional waste systems and bus and transportation systems and a regional dispatch center within the Cumberland County Sheriff's Office and shall consider transferring to the county the applicable assets and debts associated with the delivery of these services to the county's communities;

D. Shall evaluate the Portland Water District and other water districts within the county and the private and special and public laws applicable to water districts. The study commission shall propose establishing a county water district as a department of county government with governance by a board of trustees appointed by the county commissioners;

E. Shall evaluate existing regional waste systems that serve Cumberland County and York County and all laws applicable to waste systems, including the Maine Revised Statutes, Title 38, section 1304-B and the Maine Refuse Disposal District Enabling Act. The study commission shall propose establishing a county waste management authority as a department of county government with governance provided by a board of trustees appointed by the county commissioners;

F. Shall evaluate the Greater Portland Transit District, the South Portland Bus Service, the Regional Transportation Program and the Casco Bay Island Transit District and all laws pertinent to buses and transportation. The study commission shall propose establishing a bus and transportation systems agency as a department of county government with governance provided by a board of trustees appointed by the county commissioners; and

G. Shall evaluate the existing dispatch centers for emergency services. The study commission shall propose establishing a regional dispatch center or centers as a division of the Cumberland County Sheriff's Office.

**6. Staff assistance.** The Legislative Council shall provide necessary staffing services to the study commission.

**7. Compensation.** Legislative members of the study commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the study commission.

**8. Report.** No later than January 1, 2006, the study commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on State and Local Government and the Legislative Council. The study commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on State and Local Government may report out legislation to the Second Regular Session of the 122nd Legislature.

**9. Extension.** If the study commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the study commission terminates.

**10. Budget.** The chairs of the study commission, with assistance from the study commission staff, shall administer the study commission's budget. Within 10 days after its first meeting, the study commission shall present a work plan and proposed budget to the Legislative Council for its approval. The study commission may not incur expenses that would result in the study commission's exceeding its approved budget. Upon request from the study commission, the Executive Director of the Legislative Council shall promptly provide the study commission chairs and staff with a status report on the study commission's budget, expenditures incurred and paid and available funds.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

**READ.**



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

Representative **BARSTOW**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased that I have spoken with the Representative from South Portland regarding this Joint Order and look forward to working with him on this Joint Order in our committee. Thank you Mr. Speaker.

Subsequently, the Joint Order was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

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

**REPORTS OF COMMITTEE**

**Refer to the Committee on State and Local Government Pursuant to Joint Order**

Representative **BARSTOW** for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Repeal Certain Boards and Commissions"

(H.P. 1082) (L.D. 1537)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order 2005, H.P. 859.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Limit Out-of-state Contributions to Organizations In a Referendum Campaign"

(H.P. 450) (L.D. 617)

Signed:

Senators:

- MITCHELL of Kennebec
- GAGNON of Kennebec

Representatives:

- FISHER of Brewer
- VALENTINO of Saco
- PATRICK of Rumford
- TUTTLE of Sanford
- MOORE of Standish
- BLANCHETTE of Bangor

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

Signed:

Senator:

- PLOWMAN of Penobscot

Representatives:

- OTT of York
- PINKHAM of Lexington Township
- HOTHAM of Dixfield
- BROWN of South Berwick

Representative **MOORE** of the Passamaquoddy Tribe - of the House - supports the **Minority Ought to Pass** Report.

**READ.**

On motion of Representative **PATRICK** of Rumford, the **Majority Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**CONSENT CALENDAR**

**First Day**

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

(H.P. 153) (L.D. 202) Bill "An Act To Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 363) (L.D. 488) Bill "An Act To Clarify City Election Procedures" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 694) (L.D. 984) Bill "An Act To Amend the Crime of Escape" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 78) (L.D. 102) Bill "An Act To Allow the Part-time Assignment of State Police Officers to Municipalities" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-97)**

(H.P. 109) (L.D. 131) Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-96)**

(H.P. 264) (L.D. 351) Bill "An Act To Provide the Portland Harbor Commission with the Authority To Arrest" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)**

(H.P. 384) (L.D. 509) Bill "An Act To Adopt the Maine Uniform Securities Act" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)**

(H.P. 399) (L.D. 523) Bill "An Act To Designate 2-1-1 Maine, Incorporated as the Sole Provider for 2-1-1 Information and Referral Services for the State of Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-100)**

(H.P. 428) (L.D. 595) Bill "An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

(H.P. 433) (L.D. 600) Bill "An Act To Save the Health Care System Money by Ensuring Timely Denials of Claims" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)**

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

(H.P. 281) (L.D. 379) Bill "An Act To Raise the Marriage Fees" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

On motion of Representative **CLOUGH** of Scarborough, was **REMOVED** from the First Day Consent Calendar.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the **Unanimous Ought 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 Unanimous Ought to Pass Report**. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 67**

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Bryant-Deschenes, Cain, Canavan, Craven, Crosby, Crosthwaite, Cummings, Driscoll, Duchesne, Duplessie, Emery, Farrington, Fischer, Fisher, Fletcher, Gerzofsky, Grose, Hanley S, Harlow, Hutton, Jacobsen, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, McFadden, McLeod, Miller, Moody, Moulton, Muse, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pineau, Pingree, Piotti, Rector, Richardson D, Rines, Rosen, Sampson, Saviello, Smith N, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Curley, Curtis, Daigle, Davis G, Davis K, Edgcomb, Finch, Fitts, Flood, Glynn, Greeley, Hall, Hanley B, Hogan, Jackson, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKenney, Merrill, Millett, Mills, Moore G, Nass, Pinkham, Plummer, Richardson E, Richardson M, Robinson, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Trahan, Twomey, Webster.

ABSENT - Bierman, Burns, Dudley, Dugay, Dunn, Duprey, Eberle, Eder, Faircloth, Goldman, Hamper, Hotham, Jennings, Jodrey, Marraché, McKane, Ott, Perry, Pilon, Richardson W, Smith W, Thomas, Vaughan.

Yes, 72; No, 56; Absent, 23; Excused, 0.

72 having voted in the affirmative and 56 voted in the negative, with 23 being absent, and accordingly the Unanimous Ought to Pass Report was ACCEPTED.

The Bill was READ ONCE and was assigned for SECOND READING Tuesday, April 5, 2005.

(H.P. 348) (L.D. 473) Bill "An Act To Increase Vital Records Fees" Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass

On motion of Representative CLOUGH of Scarborough, was REMOVED from the First Day Consent Calendar.

The same Representative REQUESTED a roll call on the motion to ACCEPT the Unanimous Ought 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 Unanimous Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 68**

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Bryant, Bryant-Deschenes, Burns, Cain, Clark, Craven, Crosby, Crosthwaite, Cummings, Daigle, Duchesne, Duplessie, Emery, Farrington, Finch, Fischer, Fisher, Fletcher, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Koffman, Lerman, Lewin, Lundeen, Makas, Marley, Mazurek, McFadden, Miller, Mills, Moody, Moulton, Muse, Norton, Nutting, Paradis, Patrick, Pelletier-Simpson, Percy, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson M, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Bowen, Brown R, Browne W, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Collins, Cressey, Curley, Curtis, Davis G, Davis K, Driscoll, Edgcomb, Fitts, Flood, Gerzofsky, Glynn, Hall, Hanley B, Joy, Kaelin, Lansley,

Lindell, Marean, McCormick, McKenney, McLeod, Merrill, Millett, Moore G, Nass, O'Brien, Pinkham, Plummer, Richardson E, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Trahan, Twomey.

ABSENT - Bierman, Dudley, Dugay, Dunn, Duprey, Eberle, Eder, Faircloth, Goldman, Hamper, Hotham, Jennings, Jodrey, Marraché, McKane, Ott, Perry, Pilon, Richardson W, Smith W, Thomas, Vaughan.

Yes, 80; No, 49; Absent, 22; Excused, 0.

80 having voted in the affirmative and 49 voted in the negative, with 22 being absent, and accordingly the Unanimous Ought to Pass Report was ACCEPTED.

The Bill was READ ONCE and was assigned for SECOND READING Tuesday, April 5, 2005.

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 248) (L.D. 750) Bill "An Act To Clarify the Authority of Podiatrists To Use Assistants" (EMERGENCY)

(S.P. 314) (L.D. 906) Bill "An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists"

(H.P. 366) (L.D. 491) Bill "An Act To Cure an Inconsistency Regarding Judgment Liens"

(H.P. 293) (L.D. 391) Bill "An Act To Amend the Maine Motor Vehicle Franchise Board Laws" (C. "A" H-90)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were PASSED TO BE ENGROSSED in concurrence and the House Papers were PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence. ORDERED SENT FORTHWITH.

**ENACTORS**

**Emergency Measure**

An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority

(S.P. 242) (L.D. 744)

(C. "A" S-31)

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. 121 voted in favor of the same and 0 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, Regarding Legislative Review of Chapter 125: Calendar Adoption, a Major Substantive Rule of the Department of Education

(H.P. 340) (L.D. 465)

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. 112 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 Establish a Minimum Amount for Required Interest Payments by Insurers

(H.P. 176) (L.D. 237)  
(C. "A" H-43)

An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business

(H.P. 177) (L.D. 238)  
(C. "A" H-44)

An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization

(H.P. 189) (L.D. 250)

An Act To Enhance Uniformity of Insurance Producer Licensing

(H.P. 278) (L.D. 376)  
(C. "A" H-45)

An Act Limiting Recovery of Disability Benefits Subject to Offsets

(S.P. 132) (L.D. 408)  
(C. "A" S-23)

An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties

(S.P. 133) (L.D. 409)  
(C. "A" S-22)

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

(S.P. 151) (L.D. 464)  
(C. "A" S-24)

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 **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 **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 16) (L.D. 11)

Signed:

Senators:

MITCHELL of Kennebec  
TURNER of Cumberland  
SCHNEIDER of Penobscot

Representatives:

NORTON of Bangor  
DAVIS of Falmouth  
FINCH of Fairfield  
EDGEComb of Caribou  
GOLDMAN of Cape Elizabeth  
STEDMAN of Hartland  
MAKAS of Lewiston  
CAIN of Orono  
MERRILL of Appleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-99)** on same Resolve.

Signed:

Representative:

LANSLEY of Sabattus

**READ.**

On motion of Representative NORTON of Bangor, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** April 5, 2005.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)** on Bill "An Act To Improve Public Understanding in Rulemaking"

(H.P. 417) (L.D. 562)

Signed:

Senator:

ANDREWS of York

Representatives:

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

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

Signed:

Senators:

SCHNEIDER of Penobscot  
ROTUNDO of Androscoggin

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-101)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** April 5, 2005.

At this point, the Speaker recognized the Representative from Biddeford, Representative BEAUDETTE, the Representative from Gardiner, Representative HANLEY, the Representative from Augusta, Representative LERMAN, the Representative from Manchester, Representative MOODY and the Representative from Kennebunkport, Representative SEAVEY, and they were added to the quorum call of the First Special Session of the 122nd Legislature.

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

On motion of Representative RINES of Wiscasset, the House adjourned at 12:14 p.m., until 10:00 a.m., Tuesday, April 5, 2005.