

# 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  
4th Legislative Day  
Thursday, April 7, 2005

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

Prayer by Reverend Lawrence E. Merckens, Riverside Congregational Church, Vassalboro.

National Anthem by Wiscasset High School Band and Chorus.

Pledge of Allegiance.

Doctor of the day, Mitchell Ross, M.D., Augusta.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act To Make Technical Amendments to the Maine Uniform Trust Code" (EMERGENCY)

(S.P. 538) (L.D. 1551)

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

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

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**Non-Concurrent Matter**

Bill "An Act To Protect Unborn Children from Acts of Violence"

(H.P. 201) (L.D. 262)

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in the House on January 27, 2005.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 127)

**STATE OF MAINE**

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

April 1, 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 bills out "Ought Not to Pass":

L.D. 520 An Act To Improve Binding Arbitration in Public Sector Labor Relations

L.D. 579 An Act To Supplement Benefits for State Employees and Teachers Whose Pensions Are Subject to Reductions Enacted in 1993

L.D. 840 An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers

L.D. 901 Resolve, To Create a New Pension System for Newly Hired Teachers and State Employees

L.D. 912 An Act Regarding Noncompete Agreements

We have also notified the sponsors and cosponsors of each bill listed 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. 128)

**STATE OF MAINE**

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

April 4, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 3 Resolve, To Equalize Funding of Rail Service from New Hampshire

L.D. 124 An Act To Require Informational Signs on the Maine Turnpike for The Theater at Monmouth

L.D. 175 An Act To Permit Logo Signs on the Maine Turnpike

L.D. 616 An Act To Alter Wrecker Registrations

L.D. 814 Resolve, To Require the Department of Transportation To Use Adjustable Warning Signs

L.D. 947 An Act To Clarify the Laws Regarding Motor Vehicle Title Applications

L.D. 1211 An Act To Permit the Expanded Use of Changeable Signs for Governmental Entities and Public Facilities

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

Sincerely,

S/Sen. Dennis Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 129)

**STATE OF MAINE**

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

April 1, 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. 776 An Act Requiring the Disclosure of Odometer Changes

L.D. 956 An Act To Prevent Identity Theft

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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**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:

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources"

(H.P. 1098) (L.D. 1560)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Representatives: CARR of Lincoln, PIOTTI of Unity, SHERMAN of Hodgdon.

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

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**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Create an Insurance Fraud Unit within the Bureau of Insurance"

(H.P. 1099) (L.D. 1561)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: FISHER of Brewer, MARRACHÉ of Waterville.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 29)

**ORDERED**, that Representative Jane E. Eberle of South Portland be excused Monday, April 4th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative James M. Hamper of Oxford be excused Monday, April 4th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Sarah O. Lewin of Eliot be excused Wednesday, March 23rd for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Jacqueline A. Lundeen of Mars Hill be excused Tuesday, March 22nd and Wednesday, March 23rd for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Hannah Pingree of North Haven be excused Tuesday, March 22nd for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Douglas A. Thomas of Ripley be excused Monday, April 4th for personal reasons.

**READ and PASSED.**

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**CONSENT CALENDAR  
First Day**

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

(S.P. 23) (L.D. 83) Bill "An Act to Prohibit Payment Card Skimming" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)**

(S.P. 148) (L.D. 450) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-69)**

(S.P. 246) (L.D. 748) Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)**

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

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**CONSENT CALENDAR  
Second Day**

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

(S.P. 20) (L.D. 40) Bill "An Act To Require That All Persons Engaging in Asbestos Abatement Activities Be Subject to Licensing and Certification Requirements" (C. "A" S-66)

(S.P. 38) (L.D. 96) Bill "An Act To Increase the Adult Education State Subsidy by a Specific Percentage" (C. "A" S-63)

(S.P. 82) (L.D. 229) Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices (C. "A" S-64)

(S.P. 100) (L.D. 338) Bill "An Act To Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Organizations" (C. "A" S-65)

(H.P. 444) (L.D. 611) Bill "An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition"

(H.P. 46) (L.D. 50) Bill "An Act To Ban Remote-control Hunting" (C. "A" H-110)

(H.P. 445) (L.D. 612) Bill "An Act To Authorize the Transfer of Hunting Permits" (C. "A" H-112)

(H.P. 687) (L.D. 977) Bill "An Act To Create a Civil Violation for Operating a Snowmobile Left of Center" (C. "A" H-111)

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.

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**ENACTORS  
Emergency Measure**

An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations

(H.P. 318) (L.D. 433)

(C. "A" H-81)

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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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#### Emergency Measure

An Act To Clarify the Authority of Podiatrists To Use Assistants

(S.P. 248) (L.D. 750)

On motion of Representative SMITH of Monmouth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-115)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-115)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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#### Acts

An Act To Amend Appellate Review Jurisdiction of the Superior Court

(H.P. 695) (L.D. 985)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors

(H.P. 398) (L.D. 522)

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

On motion of Representative BISHOP of Boothbay, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

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

The SPEAKER: The Representative may pose his question.

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wish to ask why this exemption for (10-3) is necessary and why we should grant it. In addition Mr. Speaker, when the vote is taken I wish to ask for the yeas and nays.

The same Representative **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: The Representative from Boothbay, Representative Bishop has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The basic reason that I brought this bill forth was to protect the businesses of veterinarians, that if called to jury duty when active, could very well lose their business and effect a lot of people dependant upon them, especially in the rural areas. It did receive a very favorable 11-0 vote in committee. I think it is very necessary given the potential impact of these people if selected for jury duty and it is only limited to when they are working at their own business or

with someone else. They would be subject to jury duty once they retire. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

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

The SPEAKER: The Representative may pose his question.

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Why are we limiting this exemption to veterinarians when the reason is that they are a business? Why not just open it up to all businessmen who have the potential for losses by attending their duty as a member of the jury? Thank you.

The SPEAKER: The Representative from Boothbay, Representative Bishop has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is not really the same thing. By training these people are actually medical doctors that dependant on vets for their farms and also of course for their pets. It would be a very dire situation if people were called in and the businesses had to close that depend on vets. Again the rural areas are critical in this. In the cities you have a choice of many vets but Maine is basically a rural state, at least 80%, and I think that has to be addressed. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that was before judiciary, which I sit in. When the Representative from Frenchville, Representative Paradis brought it in we had many discussions on this and many of the issues had been brought up but I do want to just reemphasize what the Representative just stated.

In rural areas we don't have access to as many veterinarians as they do in some of the larger areas. In our area, as an example, we have one veterinarian who serves from Millinocket basically down to Old Town, which is several miles. If he happens to be on vacation or gone or if he was called to jury duty we really wouldn't have any access and we would have to go clear to Bangor for that type of service. It is a rural issue and very important to those of us who live in those rural areas and I would hope that you would go along with this Unanimous Report out of Judiciary, thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

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

The SPEAKER: The Representative may pose his question.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Jury duty is obviously very important. A responsibility that we don't want to excuse citizens from at all if we could afford to do so.

I am very sympathetic to the rural area concern. There are a lot of veterinarians that are not from rural areas and I guess I would say that it would seem reasonable to me that the judge would defer jury duty until arrangements can be made. Veterinarians do take vacations. They do get coverage for that. I'm wondering if we should not permit, in spite of my respect for the deliberations that took place in committee, I'm wondering if we should not respect the discretion of the judge in calling someone to jury duty rather than making a blanket statute for the entire profession regardless of the need?

The SPEAKER: The Representative from Kennebunk, Representative Babbidge has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hodgdon, Representative Sherman.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Perhaps someone else can answer that. We have been a little bit blindsided here. There is a little procedural issue, we were not given a heads up on this. We do not have our folders here, so basically we are talking from memory but part of the issue around vets in rural areas was that they operate on emergency status. If you have got a cow that is worth several thousand dollars and something happens to that cow, whether it may be childbirth, choking, or downed, you need a vet. There is the matter of horses kicking around it's the same type of thing. So, for rural areas these tend to be of an emergency nature.

The issue of judge discretion, I think that was talked about. Someone may be granted, and I don't have it in front of me, but there is a whole list of exemptions for people that can report or must report to jury duty and this is one of many. It's of a rural nature, and it was an 11-0 vote. If we want to prolong this I can go up and get my folder with the hearing material there but we were just a little bit blindsided.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't sit on Judiciary; I don't have a dog in this fight so to speak. However, to the suggestion that we leave this up to Judicial's discretion, it is already. The problem is that any vet, or anyone that is called on for jury duty must go to the court, find a place to park, sit around. It can be two or three hours before that vet can stand up and explain the situation. He will no doubt be excused by the judge, but in a rural area a vet having to travel to Bangor to try and get out of jury duty, that wipes out his entire day. I will support this and I believe that the committee was correct in it's unanimous report and I urge your support of this exemption. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 72**

YEA - Adams, Annis, Ash, Austin, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Clark, Clough, Collins, Craven, Cummings, Curley, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Goldman, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lewin, Lundeen, Makas, Marley, Mazurek, McFadden, McLeod, Merrill, Miller, Millett, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Tardy, Thomas, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Babbidge, Beaudette, Berube, Bishop, Bryant, Cebra, Churchill, Cressey, Crosby, Crosthwaite, Curtis, Daigle, Davis K, Duprey, Farrington, Glynn, Hall, Hutton, Kaelin, Lansley, Lerman, Lindell, Marean, McCormick, McKane, McKenney, Pinkham,

Plummer, Richardson D, Richardson E, Rines, Seavey, Stedman, Sykes, Trahan, Vaughan.

ABSENT - Barstow, Canavan, Emery, Gerzofsky, Hotham, Marraché, Mills, Moore G, Pelletier-Simpson, Schatz.

Yes, 105; No, 36; Absent, 10; Excused, 0.

105 having voted in the affirmative and 36 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-34)** - Committee on **LABOR** on Bill "An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits"

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

TABLED - March 23, 2005 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Representative SMITH of Van Buren **WITHDREW** his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-109)** - Minority (6) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Provide Tax Incentives to Small Businesses That Employ At Least One Person"

(H.P. 446) (L.D. 613)

TABLED - April 5, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative WOODBURY of Yarmouth, the Minority **Ought Not to Pass** Report was **ACCEPTED**.

On further motion of the same Representative the House **RECONSIDERED** its action whereby the Minority **Ought Not to Pass** was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know that there are members of the House that wish to speak on this issue so I would like to tell you a little bit first about what this bill does.

The Employee Tax Increment Financing Program provides tax incentives for business expansion projects that will lead to five or more new jobs with salaries above the regional average. This bill would lower that threshold to one new job.

An important aspect of the law and the ETIF program is that applicants must make the case that the expansion projects would not happen and the jobs would not be created without the special tax incentives of the programs. The Department of Economic and Community Development, which manages the program, testified to our committee that projects adding fewer than five jobs were not substantial enough to be able to demonstrate that

they could not happen without the special financing. The average number of new jobs created by a successful applicant to the program in the most recent year that is available, was 55 new jobs. That is the average number created. The fewest of an approved project was nine jobs. Those of supporting the Ought Not to Pass Report found the testimony of the Department convincing. We did not think it advisable or cost efficient to open up the program to such small expansion projects that would allow only one new employee and so we are recommending the ought not to pass report. Thank you Mr. Speaker.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I found it difficult to go against my good chair but I hope the committee votes that down and goes with the Majority Ought to Pass as Amended, and I want to tell you why.

All of the years I have served here I have never seen a full court press put on a small bill like this from DECD. You would think this department would bend over backwards to assist anybody who wants to start a business, one, two, three, four, or five employees. To me, this is apple pie and motherhood. That's what we are here for, to create jobs. I live in the rural part of Maine and I think a lot of us do. One job might be the only job that we get. Two jobs is a plus. I can't believe we, as a body, will not support small business in the state of Maine.

Can you imagine going home and telling your constituents, "I just voted against a bill that can help you start a new job." A lot of jobs that start in my area are just one or two people. They need some kind of assistance. They need somebody to help them out. This is what we need to help business start in the State of Maine; to help a small business to get on its feet and grow. I hope when you vote you don't vote with the Minority Ought Not to Pass Report and that you go with the Majority and do the right thing. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to say that being on the Minority Report I fully agree with the remarks of Representative Woodbury from Yarmouth. He has covered the situation pretty well from my perspective, but I would like to add that one of the things that we would do with this bill - I don't think we would achieve anything for these people we expect to be covered because no one is ever qualified - no one now is qualified for this and I don't believe that they have been in the past - with fewer than nine employees because this is tied to an expansion of the business that shows that the addition couldn't go forth without the addition of that employee.

My fear here is that we just increase the expectations on the part of small business and then we never deliver anything because they won't qualify. I would ask you to support the pending motion of Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative HANLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Most businesses don't qualify because they have never had the opportunity. This is a small business state with over 60,000 small businesses. We are loaded with barriers and barricades against small business. This is just a step to level the playing field for small business - to give them opportunity. That's all this bill does. I ask for a roll call vote Mr. Speaker.

Representative HANLEY of Gardiner REQUESTED a roll call on the motion to ACCEPT the Minority Ought Not to Pass Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 73

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Bryant, Cain, Clough, Craven, Crosby, Cummings, Daigle, Driscoll, Dudley, Duplessie, Eberle, Goldman, Hall, Jacobsen, Koffman, Lundeon, Marley, McKane, McKenney, Miller, Moody, Nass, Norton, O'Brien, Percy, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Smith N, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Woodbury.

NAY - Annis, Ash, Berube, Bierman, Bishop, Blanchard, Bowen, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Cranavan, Carr, Cebra, Churchill, Clark, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duchesne, Dugay, Dunn, Duprey, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Lansley, Lerman, Lewin, Lindell, Makas, Marean, Mazurek, McCormick, McFadden, McLeod, Merrill, Millett, Moulton, Muse, Nutting, Ott, Paradis, Patrick, Perry, Pilon, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan, Wheeler.

ABSENT - Emery, Gerzofsky, Hotham, Marraché, Mills, Moore G, Pelletier-Simpson, Mr. Speaker.

Yes, 49; No, 94; Absent, 8; Excused, 0.

49 having voted in the affirmative and 94 voted in the negative, with 8 being absent, and accordingly the Minority Ought Not to Pass Report was NOT ACCEPTED.

Subsequently, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-109) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING April 12, 2005.

#### ORDERS

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1100) (Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BIERMAN of Sorrento, BISHOP of Boothbay, BLANCHETTE of Bangor, BLANCHARD of Old Town, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWN of South Berwick, BROWNE of Vassalboro, BRYANT-DESCHENES of Turner, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, 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, 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, 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, PELLETIER-SIMPSON 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, 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, SAME of Senator, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin)

**JOINT RESOLUTION IN HONOR OF POPE JOHN PAUL II**

WHEREAS, it is with great sadness that We, the members of the One Hundred and Twenty-second Maine State Legislature, now assembled in the First Special Session, on behalf of the people we represent, have learned of the death of Pope John Paul II, who was spiritual and titular head of more than a billion Catholics worldwide; and

WHEREAS, his elevation to pope by the College of Cardinals in 1978, the election of the first non-Italian pope in 455 years, stunned the world; and

WHEREAS, Pope John Paul II was born Karol Wojtyla in Wadowice, Poland on May 18, 1920. He was educated in that town and attended university in Cracow until the Nazi occupation of Poland; and

WHEREAS, it was during the war that he had his call to the priesthood and he began his studies in the clandestine seminary in Cracow, and once it officially reopened after the war he continued his studies until his priestly ordination on November 1, 1946; and

WHEREAS, he served the pastoral ministry in France, Belgium and Holland until he returned to Poland to serve various parishes. He was appointed Auxiliary Bishop of Cracow by Pope Pius XII in 1958 and was nominated as Archbishop of Cracow by Pope Paul VI in 1964, who also made him a cardinal in 1967; and

WHEREAS, from the start of his Pontificate in 1978, Pope John Paul II completed 104 pastoral visits outside of Italy and 146 within Italy. During his reign, more than 17,600,000 pilgrims participated in the General Audience with him and millions more met him during his pastoral visits throughout the world; and

WHEREAS, Pope John Paul II fought for justice and peace for all people and fought against poverty, and he served as spiritual leader for millions of Catholics and as an example of faith for people throughout the world, and he reached out to other faiths, as well, during his 26-year papacy; and

WHEREAS, Pope John Paul II was one of the most respected figures of our time, and he exercised great influence throughout the world as a leading voice against poverty and for freedom, human dignity, democratic development and human rights, and he is credited with helping pave the way for the end of communism in his native land and across the Soviet bloc; and

WHEREAS, he will be mourned by those whose lives he touched, and on order of the President of the United States and the Governor of Maine the flags of the United States and the State of Maine are now flying at half-staff in his memory; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our sorrow on the death of this great man and to acknowledge our admiration for his life and works; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Bishop of Maine.

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of allowing unlimited sponsorship.

**READ and ADOPTED.**  
Sent for concurrence.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 544)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 12, 2005, at 10:00 in the morning.

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



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Bill "An Act To Adopt the Uniform Environmental Covenants Act"

(S.P. 543) (L.D. 1559)

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

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

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Bill "An Act Concerning Storm Water Management"

(S.P. 542) (L.D. 1558)

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

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

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Bill "An Act To Improve the Business Equipment Tax Reimbursement Program"

(S.P. 541) (L.D. 1557)

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

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

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

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On motion of Representative PARADIS of Frenchville, the House adjourned at 11:15 a.m., until 10:00 a.m., Tuesday, April 12, 2005 pursuant to the Joint Order (S.P. 544) and in honor and lasting tribute to Pope John Paul II.