

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
5th Legislative Day
Tuesday, April 12, 2005

Senate Chair
S/Rep. Joseph C. Brannigan
House Chair
READ and ORDERED PLACED ON FILE.

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

Prayer by Pastor Ron Sargent, Hollis Center Baptist Church.
National Anthem by Gary Crocker, West Gardiner.
Pledge of Allegiance.

Doctor of the day, Cindy Jenson, M.D., Waterville.

The Journal of Thursday, April 7, 2005 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Joint Order to Promote Regionalization in Cumberland County Government

(H.P. 1089)

READ and REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on April 4, 2005.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative, BARSTOW of Gorham the Joint Order was **TABLED**, pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Exempt the United States Flag from State Taxation"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) in the House on March 29, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) AND SENATE AMENDMENT "A" (S-74)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 130)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 5, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 174 An Act To Provide Funding for the Applied Technology Development Center System

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

Sincerely,

S/Sen. Margaret Rotundo

The Following Communication: (H.C. 131)

STATE OF MAINE

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

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

L.D. 225 An Act To Regulate Pharmaceutical Detailers

L.D. 366 An Act To Protect Consumers by Requiring Retail Businesses To Post Complaint Contacts

L.D. 369 An Act To Require the Disclosure of the State's Implied Warranty Laws

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.

The Following Communication: (H.C. 132)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 5, 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. 542 An Act To Encourage Greater Efficiencies in the Delivery of County Correctional Services

L.D. 928 Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible

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.

The Following Communication: (H.C. 133)

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

April 5, 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. 20 An Act To Amend the Law Governing Hunting and Fishing Licenses for Maine National Guard Members
- L.D. 283 An Act To Improve the Moose Lottery Procedure
- L.D. 531 An Act To Limit the Harvesting of Eels in Maine Rivers
- L.D. 660 An Act To Allow the Taking of Another Deer by Persons Who Take a Deer on Youth Day
- L.D. 664 An Act To Control Fish Stocking in Inland Waters
- L.D. 761 An Act To Extend the Deer Hunting Season by One Week
- L.D. 762 An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience
- L.D. 935 An Act To Allow Hunters in Maine To Take 2 Deer per Year
- L.D. 953 Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks
- L.D. 1095 An Act To Alter the Slot Limit Restriction for Fishing
- L.D. 1298 An Act To Provide Free Hunting and Fishing Permits to Senior Citizens

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. 134)

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

April 5, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 114 An Act To Provide a Mandate-free Health Insurance Policy

L.D. 130 An Act To Establish a Single-payor Health Care System

L.D. 770 An Act To Provide Disclosure Related to Workers' Compensation Insurance

L.D. 922 An Act Regarding Insurance Payments When an Automobile Is Totaled

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

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 135)

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

April 5, 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. 677 Resolve, Regarding Access to Geographic Information System Data
- L.D. 777 An Act To Enhance Enforcement of Liquor Laws
- L.D. 946 An Act To Prohibit Petition Blockers from Polling Places

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. 136)

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

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

- L.D. 26 An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities
- L.D. 1047 Resolve, To Study the Feasibility of Expanding the Market for American Fuels

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.

The Following Communication: (H.C. 137)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION

April 7, 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. 372 An Act To Enhance Property Tax Relief through the State-municipal Revenue-sharing Program
L.D. 533 An Act To Tax Gambling Winnings of Nonresidents
L.D. 851 An Act To Maintain Traditional Recreational Uses in Maine's Forests
L.D. 1151 An Act To Allow Citizens Who Have Been Overbilled for Property Taxes To Reduce Their Payments in Succeeding Years
L.D. 1180 An Act To Create a Property Tax Reimbursement for Commercial Dairy Farms
L.D. 1226 An Act To Amend the Laws Governing the Taxation of Time-share Estates

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 539)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 6, 2005
Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
122nd Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Anthony Peverada of South Portland for appointment as Chairman of the Maine Unemployment Insurance Commission.

Pursuant to Title 26 M.R.S.A. §1081, this nomination will require review by the Joint Standing Committee on Labor.

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 **LABOR**.

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

The Following Communication: (S.P. 540)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 6, 2005
Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Transportation
Rep. Boyd P. Marley
House Chair, Joint Standing Committee on Transportation
122nd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Marley:
Please be advised that Governor John E. Baldacci has nominated Lucien Gosselin of Lewiston for reappointment as a member of the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. §1965, this nomination will require review by the Joint Standing Committee on Transportation.

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 **TRANSPORTATION**.

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

At this point, the Speaker recognized the Representative from Dixfield, Representative Hotham and he was added to the quorum call of the First Special Session of the 122nd Legislature.

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:

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Requiring Release of Aggregate Information from the Department of Education To Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Educational Personnel"

(H.P. 1103) (L.D. 1565)

Sponsored by Representative BLANCHETTE of Bangor.
Cosponsored by Senator CLUKEY of Aroostook and Representatives: ASH of Belfast, CHURCHILL of Washburn, DAVIS of Augusta, DUGAY of Cherryfield, O'BRIEN of Lewiston, RINES of Wiscasset, SYKES of Harrison, Senator: DIAMOND of Cumberland.

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

HEALTH AND HUMAN SERVICES

Bill "An Act To Allow Nurse Practitioners To Sign Death Certificates"

(H.P. 1106) (L.D. 1568)

Sponsored by Representative PINKHAM of Lexington Township.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: MARRACHÉ of Waterville, PERRY of Calais.

JUDICIARY

Bill "An Act Concerning Full Faith and Credit for Legal Documents Executed in Other Jurisdictions"

(H.P. 1104) (L.D. 1566)

Sponsored by Speaker RICHARDSON of Brunswick.
Cosponsored by Senator HOBBS of York and Representatives:
CANAVAN of Waterville, CROSBY of Topsham, PELLETIER-
SIMPSON of Auburn, Senator: HASTINGS of Oxford.

Bill "An Act To Amend the Uniform Health-care Decisions Act
Concerning Personal Representatives under Federal Law"

(H.P. 1105) (L.D. 1567)

Sponsored by Speaker RICHARDSON of Brunswick.
Cosponsored by Senator HOBBS of York and Representatives:
CANAVAN of Waterville, CROSBY of Topsham, GLYNN of South
Portland, PELLETIER-SIMPSON of Auburn, PINGREE of North
Haven, Senator: HASTINGS of Oxford.

Bill "An Act To Abolish the Maine Indian Tribal-State
Commission"

(H.P. 1107) (L.D. 1569)

Sponsored by Representative MOORE of the Passamaquoddy
Tribe.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Create Optional Public Financing of Legislative
Leadership Elections"

(H.P. 1101) (L.D. 1562)

Sponsored by Representative DUDLEY of Portland.
Cosponsored by Senator BRENNAN of Cumberland and
Representative: CUMMINGS of Portland.

TAXATION

Bill "An Act To Include Intangible Assets when Determining
the Value of Property"

(H.P. 1102) (L.D. 1564)

Sponsored by Representative ASH of Belfast.
Cosponsored by Senator WESTON of Waldo and
Representatives: BLANCHETTE of Bangor, FISHER of Brewer,
FLETCHER of Winslow, JENNINGS of Leeds, McCORMICK of
West Gardiner, PERCY of Phippsburg, PIOTTI of Unity, RINES
of Wiscasset.

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

The SPEAKER: The Chair recognizes the Representative
from Rockport, Representative Bowen who wishes to address the
House on the record.

Representative BOWEN: Thank you Mr. Speaker. Mr.
Speaker, Men and Women of the House. In a moment I will have
the Chair introduce guests in the gallery of Representative Merrill
and myself. They are the Camden Hills Regional High School
Windjammers boys' basketball team. They are the Class B state
champions with an undefeated record of 22-0. This is a very,
very special occasion in my community. Those of us who are

followers of the Red Sox and the Patriots have had a heck of a
year and we all now that that national pastime for the State of
Maine is really high school basketball and so for my community
this has been a big, big year. This, of course, is especially
meaningful to me personally as I had a number of these young
men in 8th grade, back when they were skinny 14 year olds and
now I've got to watch them become state champions. It is extra
sweet because on their route to the state championship they had
to go through Representative Fischer's Presque Isle Wildcats and
Representative Barstow's Gorham Rams and so this
championship was purchased at their loss, which is a double
benefit for me. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative
from Gorham, Representative Barstow who wishes to address
the House on the record.

Representative BARSTOW: Thank you Mr. Speaker. Mr.
Speaker, Men and Women of the House. I would like to take this
opportunity briefly to congratulate the Camden Hills basketball
team on their state championship victory and for those who did
watch the Class B Championship it was an excellent game in
both competition and sportsmanship. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative
from Appleton, Representative Merrill who wishes to address the
House on the record.

Representative MERRILL: Thank you Mr. Speaker. Mr.
Speaker, Ladies and Gentlemen of the House. I would like to
add my congratulations to the team and my condolences to the
good Representative from Gorham, the good Representative
from Presque Isle and the good Representative from Dover-
Foxcroft as well. I had the distinct pleasure of attending the last
three games. They were indeed really well played games and I
recommend them highly in the future.

I would also like to take a moment to introduce the individual
members. We have Will Horn, Christian Perry, and Matt
Cavanaugh. We have Jamie Davis. We have David Pike. We
have Nick Wooten. We have Peter Stein. We have Noah Burk.
We have Jared Mitchell. We have Morgan Kerr. We have Doug
Bryant. We have Tim Stamon. We have Andrew Rogers. We
have Cameron Polls and we have Nick Tedford and
congratulations again. Thank you

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Cassie Hintz, of Old Town, a junior at Old Town High School.
Ms. Hintz holds the Class B state title, the state record and the
Eastern Maine Class B record in the 2-mile indoor track event.
She broke the 2004 record at the 2005 state championship meet.
She took first place in the 5,000-meter run at the National
Scholastic Indoor Track and Field Meet, which was held in New
York City. One month before she took 8th place in the 5,000-
meter run at the Terrier Invitational, hosted by Boston University.
She took first place in the 2-mile event in the New England
Interscholastic Track and Field Championships in Boston and
had the second-fastest time in the country for that event. We
extend our congratulations to Ms. Hintz on her achievements and
wish her success in her future competitions;

(HLS 490)

Presented by Representative BLANCHARD of Old Town.

Cosponsored by Representative SOCKALEXIS of the Penobscot Nation, Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative BLANCHARD of Old Town, was **REMOVED** from the Special Sentiment Calendar.

READ.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think I would be remiss if not adding a little bit more to this sentiment that has just been read about this young lady athlete and student.

Cassie is not only one of the best high school distance runners in the country but also excels in the classroom. She is an honors student at Old Town High School and is taking two advanced courses at the University of Maine. Her high school grade point average at present is 98.7. Her coaches and teachers all say that she is a very motivated young lady and seems to know what she wants and goes out after it. After high school she intends to continue her education, but has not yet made a decision on which school. Even though many inquiries are coming from east to west what can be said is there will be no waiting for acceptance due to her academic and athletic achievements.

In closing may I say that in a few years we may have Cassie back in these chambers as an Olympic class athlete who came from the state of Maine. Our best to her in her future endeavors. Thank you Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Hall who wishes to address the House on the record.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On April 23rd my cousin, Regina Erskine will be flying to San Diego to begin a 4000-mile bicycle ride across the country, which will end in Portland, Maine on July 2nd. She spent the last three months preparing for this trip and publicizing it. The purpose of her trip is to educate the public and to raise money for research for Celiac disease, which she has been diagnosed with.

The disease, which is simply an intolerance to wheat gluten effects about 1% of the population, which means probably one or two people in here have it. The unfortunate thing is nobody knows very much about this disease and only about 3% of the people that have this disease are diagnosed with it. The disease mimics lots of other diseases such as Crohn's disease, and Colitis. Essentially when you eat wheat gluten it attacks your small intestine and ultimately renders it impossible to absorb food so your body is unable to get any kind of nutrients and your bones become brittle, break and won't heal and the simple solution is to stop eating wheat gluten. So information is everything when it comes to this disease. Having it diagnosed correctly is everything.

Often times, when you're diagnosed with Crohn's disease or Colitis your told to eat a diet, which includes all kinds of wheat gluten. It can become very, very serious when it is misdiagnosed. Regina is spending a great deal of her time and effort doing this to raise money and awareness for this disease, which she discovered when she ran the Boston Marathon and actually broke a bone in her foot during the first mile of the race and finished the entire race on a broken bone, which shows the kind of determination and spirit that she has. She is doing a wonderful thing and I just want to make sure that this body recognizes her. Thank you.

REPORTS OF COMMITTEE

Change of Committee

Representative SMITH from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

(H.P. 302) (L.D. 399)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ.

On motion of Representative SMITH of Monmouth, the **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** Report was **REJECTED**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and sent for concurrence.

Divided Report

Nine Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought Not to Pass** on Bill "An Act To Suspend or Revoke Licenses and Permits Issued by the Department of Inland Fisheries and Wildlife to a Person Convicted of Operating under the Influence"

(S.P. 21) (L.D. 82)

Signed:

Senators:

BRYANT of Oxford

PERRY of Penobscot

Representatives:

WATSON of Bath

BRYANT of Windham

RICHARDSON of Carmel

JACKSON of Fort Kent

RICHARDSON of Greenville

WHEELER of Kittery

LUNDEEN of Mars Hill

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-71)** on same Bill.

Signed:

Representatives:

TRAHAN of Waldoboro

MOODY of Manchester

CEBRA of Naples

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-72)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Came from the Senate with Report "A" **OUGHT NOT TO PASS READ and ACCEPTED**.

READ.

On motion of Representative WATSON of Bath Report "A" **Ought Not to Pass** was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow Small Car Carriers To Haul the Maximum Allowed Vehicles" (H.P. 282) (L.D. 380)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
COLLINS of Wells
SAMPSON of Auburn
McKENNEY of Cumberland
BROWNE of Vassalboro
THOMAS of Ripley

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

Signed:

Representative:

PARADIS of Frenchville

READ.

On motion of Representative MCKENNEY of Cumberland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and 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. 207) (L.D. 652) Bill "An Act To Provide Free Deer Hunting Licenses to Persons 100 Years of Age or Older" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(H.P. 303) (L.D. 418) Bill "An Act To Exempt Certain Tires from the Speed Rating Requirements" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

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. 23) (L.D. 83) Bill "An Act to Prohibit Payment Card Skimming" (C. "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 (C. "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" (C. "A" S-68)

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.

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Provide Tax Incentives to Small Businesses That Employ At Least One Person" (H.P. 446) (L.D. 613) (C. "A" H-109)

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

ENACTORS

Emergency Measure

An Act To Clarify City Election Procedures

(H.P. 363) (L.D. 488)

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. 137 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

An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine

(H.P. 399) (L.D. 523)

(C. "A" H-100)

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. 123 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

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

(H.P. 428) (L.D. 595)

(C. "A" H-105)

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. 126 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.**

Acts

- An Act To Amend the Licensing and Certification Requirements Relating to Asbestos Abatement Activities
(S.P. 20) (L.D. 40)
(C. "A" S-66)
- An Act To Allow the Part-time Assignment of State Police Officers to Municipalities
(H.P. 78) (L.D. 102)
(C. "A" H-97)
- An Act To Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority
(H.P. 153) (L.D. 202)
- An Act To Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Organizations
(S.P. 100) (L.D. 338)
(C. "A" S-65)
- An Act To Provide the Portland Harbor Commission with the Authority To Arrest
(H.P. 264) (L.D. 351)
(C. "A" H-98)
- An Act To Amend the Maine Motor Vehicle Franchise Board Laws
(H.P. 293) (L.D. 391)
(C. "A" H-90)
- An Act To Cure an Inconsistency Regarding Judgment Liens
(H.P. 366) (L.D. 491)
- An Act To Adopt the Maine Uniform Securities Act
(H.P. 384) (L.D. 509)
(C. "A" H-103)
- An Act To Save the Health Care System Money by Ensuring Timely Denials of Claims
(H.P. 433) (L.D. 600)
(C. "A" H-102)
- An Act To Amend the Crime of Escape
(H.P. 694) (L.D. 984)
- 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.

Resolves

- Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices
(S.P. 82) (L.D. 229)
(C. "A" S-64)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.
-
- An Act To Increase the Adult Education State Subsidy by a Specific Percentage
(S.P. 38) (L.D. 96)
(C. "A" S-63)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
- On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.
- 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**: 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. 74

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lindell, Lundeen, Makas, Marean, Marley, Mazurek, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Davis G, Dudley, Hogan, Lerman, Lewin, Marraché, McKane, Muse, Ott.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act To Raise the Marriage Fees
(H.P. 281) (L.D. 379)

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

On motion of Representative CLOUGH of Scarborough, was **SET ASIDE**.

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 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 a moment to clarify what this bill does; the purpose for why we are raising the marriage fees through this legislation if enacted and those who came in support of this bill and thus, propelled the 13-0 Unanimous Ought to Pass Report from the State and Local Government Committee.

This bill was brought forward not as an opportunity to fleece the general funds of municipalities but rather to keep up with the cost of doing business on processing these marriage certificates. By increasing this fee, as we have by enacting this bill, we will in essence be taking the subsidy off of the property taxpayers who may not be using this service. Thus, having them pay a user fee or a base fee in order to make sure that the cost of business is being kept up with.

This again was a Unanimous Report and I would hope that my colleagues here in the House support the committee that I serve on's work and thank you for your consideration of this. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative **CRESSEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This motion before us is not as complicated as the good Representative from Gorham has expressed to us. It is really simple. The question before us, do we want to increase a fee by 100%? Yes or no?

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Before State and Local Government this is one of the few measures where the town clerks gave some of us an opportunity to assist our municipalities in dealing with the cost of providing services to their communities. Unlike some of the other measures that are before this body that also seek to tap into those fees, those fees will be going directly to the municipalities whom they serve and for that reason I heartily endorsed it. Thank you very much 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. 75

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Bryant-Deschenes, Cain, Campbell, Canavan, Craven, Crosthwaite, Cummings, Daigle, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Gerzofsky, Goldman, Greeley, Grose, Hanley S, Harlow, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marley, Mazurek, McFadden, Miller, Mills, Moody, Moulton, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Curley, Curtis, Davis K, Duprey, Eder, Edgecomb, Fitts, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lindell, Marean, McCormick, McKenney, McLeod, Merrill, Millett, Moore G, Nass, Pinkham, Plummer, Rector, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Thomas, Trahan, Twomey.

ABSENT - Burns, Davis G, Dudley, Hogan, Lerman, Lewin, Marraché, McKane, Muse, Ott, Vaughan.

Yes, 82; No, 58; Absent, 11; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

**CONSENT CALENDAR
First Day**

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

(S.P. 498) (L.D. 1456) Resolve, Directing the Department of Inland Fisheries and Wildlife To Increase Turkey Hunting Opportunities (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-76)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)** on Bill "An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners"

(H.P. 22) (L.D. 19)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
HANLEY of Paris
McCORMICK of West Gardiner
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representatives:

CLARK of Millinocket
CLOUGH of Scarborough
BIERMAN of Sorrento

READ.

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

Representative **CLOUGH** of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 76

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Craven, Crosby, Cummings, Daigle, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Goldman, Grose, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jackson, Jennings, Kaelin, Koffman, Lindell, Makas, Marley, Mazurek, McCormick,

McKenney, Merrill, Miller, Mills, Moody, Moore G, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Browne W, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Duprey, Edgecomb, Emery, Fletcher, Glynn, Greeley, Hall, Hamper, Jacobsen, Jodrey, Joy, Lansley, Lundeen, Marean, McFadden, McLeod, Millett, Moulton, Nass, Nutting, Pinkham, Richardson E, Richardson M, Richardson W, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bryant-Deschenes, Davis G, Dudley, Hogan, Lerman, Lewin, Marraché, McKane, Muse, Ott, Paradis.

Yes, 91; No, 49; Absent, 11; Excused, 0.

91 having voted in the affirmative and 49 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-116)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 13, 2005.

ENACTORS

Emergency Measure

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

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

(C. "A" S-76)

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. 134 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

On motion of Representative ADAMS of Portland, the House adjourned at 11:45 p.m., until 10:00 a.m., Wednesday, April 13, 2005, in honor and lasting tribute in the memory of Governor Joshua L. Chamberlain, who accepted the surrender of the Confederate Flag of the Army of Virginia at the Appomattox Courthouse marking the end of the Civil War on this date, April 12, 1865, exactly 140 years ago today.