

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
8th Legislative Day
Tuesday April 26, 2005

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

Prayer by Reverend Bill Bliss, Bath United Church of Christ.
National Anthem by St. James Band and Heartstrings, St. James School, Biddeford.
Pledge of Allegiance.
Doctor of the day, Rebecca Chagrasulis, M.D., Casco
The Journal of Thursday, April 14, 2005 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on State and Local Government To Report out a Bill To Create Regional Economic Departments (H.P. 950)

READ and PASSED in the House on March 17, 2005.
Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.
The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Improve Public Understanding in Rulemaking" (H.P. 417) (L.D. 562)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)** in the House on April 5, 2005.

Came from the Senate with the Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 147)

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

April 12, 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. 684 An Act To Expand the Availability of Pine Tree Development Zone Benefits

L.D. 737 An Act To Ensure the Success of Pine Tree Development Zones
L.D. 964 Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones
L.D. 1078 Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones
L.D. 1299 Resolve, To Establish the Commission to Study the Efficiency of State Business Assistance Services

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. 148)

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1121 An Act To Establish Owner Liability for Failure To Stop for a Police Officer

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

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 149)

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 12, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 666 An Act To Require Approval of Voters before Closing a School

- L.D. 679 An Act To Encourage Effective Education of Special Needs Students in Maine's Private Schools
- L.D. 724 An Act To Amend the Maximum Allowable Tuition for Students in the Unorganized Territory
- L.D. 845 An Act Regarding Private Schools' Using Public Tuition Funds
- L.D. 866 Resolve, To Direct the Department of Education To Review the School Facility Needs of the State and To Develop Standards for Cost-effective Financing of School Facilities
- L.D. 931 An Act To Ensure Equitable Treatment of Students by Private Secondary Schools with a Majority of Students Funded by the State
- L.D. 1138 An Act To Reduce School Construction Costs
- L.D. 1185 An Act To Augment and Diversify the Ranks of Maine Educators
- L.D. 1187 An Act To Create a Senior Life Educator Certificate Program
- L.D. 1193 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Equal Access to Education for Children in All Parts of the State

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

Sincerely,
S/Sen. Elizabeth H. Mitchell
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 150)

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

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

- L.D. 878 An Act To Allow Assignment of Workers' Compensation Payments to 3rd Parties Providing Income Protection Benefits

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.

The Following Communication: (H.C. 151)

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

April 12, 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. 265 An Act To Establish Instant Run-off Voting
L.D. 412 An Act To Clarify the Definition of "Lobbyist"
L.D. 944 An Act Regarding Independent Campaign Expenditures
L.D. 952 An Act To Regulate Political Advertising
L.D. 1171 An Act To Amend the Clean Election Law Regarding Disclaimers on Advertising

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. 152)

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

April 12, 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 bills out "Ought Not to Pass":

- L.D. 513 An Act To Amend the Hours for Lobster Fishing
L.D. 1209 Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters

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. Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 153)

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

April 12, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 643 An Act To Authorize the Department of Environmental Protection To Issue Emergency Permits for the Application of Herbicides and Pesticides

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

Sincerely,
 S/Sen. Scott W. Cowger
 Senate Chair
 S/Rep. Theodore Koffman
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 154)

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

April 12, 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. 81 An Act To Establish a Limited Sales-tax-free Shopping Week
- L.D. 345 An Act To Base the Excise Tax on Motor Vehicles on the Purchase Price
- L.D. 1132 An Act To Dedicate a Portion of Sales Tax Revenue to Municipalities and Counties
- L.D. 1264 An Act To Amend Maine's Estate Tax Law
- L.D. 1314 An Act To Provide Safety Net Funds

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: (H.C. 155)

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

April 12, 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. 606 Resolve, To Require the Department of Transportation To Rebuild the Frank J. Wood Bridge between Brunswick and Topsham
- L.D. 607 An Act To Extend Passenger Rail Service to Midcoast Maine
- L.D. 1069 An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads
- L.D. 1119 Resolve, To Examine Driver's License Fees
- L.D. 1201 Resolve, Authorizing a Review of Inspection Requirements for Vehicles with Aftermarket Modifications

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

Sincerely,
 S/Sen. Dennis Damon
 Senate Chair
 S/Rep. Boyd P. Marley
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 156)

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

April 12, 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. 1005 Resolve, To Establish an Apprenticeship Program for Shipbuilders
- L.D. 1054 Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits
- L.D. 1197 An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System
- L.D. 1223 Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act

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.

The Following Communication: (H.C. 157)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

April 15, 2005
Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:
Pursuant to my authority under Title 22 MRSA, §3883, I am pleased to appoint Representative Carol A. Grose of Woolwich to serve as a member of the Maine Children's Trust Fund. If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,
S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 158)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

April 21, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 315 An Act To Prohibit the Privatization of Drinking Water Supply Sources
L.D. 1182 An Act To Encourage Small Water-bottling Companies

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

Sincerely,
S/Sen. Scott W. Cowger
Senate Chair
S/Rep. Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 159)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

April 14, 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. 1192 An Act To Extend Insurance Notification and Protection to Small Businesses and Farms
L.D. 1242 An Act To Provide Enhanced Information to Consumers of Health Care

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. 160)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

April 14, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 671 An Act To Provide a Method of Self-governance to Unorganized Areas
L.D. 1366 An Act To Give Preference to Companies That Provide Livable Wages and Health Insurance to Their Employees
L.D. 1367 An Act To Penalize Companies That Fail To Comply with State Laws

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

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 161)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

April 19, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 773 An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property
L.D. 1040 An Act To Prevent the Short-term Rental of Unlicensed Properties

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

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 553)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005
Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:
Please be advised that Governor John E. Baldacci has nominated Paul J. Dowe, Jr. of Bangor for reappointment and Marjorie Murray Medd of Norway, Charles O'Leary of Orono., and Chad Marquis of Fort Kent for appointment as members of the Board of Trustees, University of Maine System. Pursuant to P&SL 1865, c. 532, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs.

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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.C. 173)
**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

April 14, 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 nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Thomas E. Delahanty of Falmouth for reappointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Ronald A. Daigle of Fort Kent for reappointment as a District Court Judge.

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

HEALTH AND HUMAN SERVICES

Bill "An Act To Enhance Maine's Medical Errors Reporting System"

(H.P. 1116) (L.D. 1580)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: PINGREE of North Haven, SHIELDS of Auburn, WOODBURY of Yarmouth, Senators: DOW of Lincoln, GAGNON of Kennebec, MARTIN of Aroostook.

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

Bill "An Act To Improve Child Support Services"

(H.P. 1125) (L.D. 1589)

Sponsored by Representative PELLETIER-SIMPSON of Auburn.
Cosponsored by Senator NASS of York.
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative PINGREE of North Haven, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Resolve, To Ensure Effective Implementation of Alewife Restoration on the Sebasticook River Watershed

(H.P. 1117) (L.D. 1581)

Sponsored by Representative FLETCHER of Winslow.
Cosponsored by Representatives: FITTS of Pittsfield, STEDMAN of Hartland, THOMAS of Ripley, THOMPSON of China, Senators: DAVIS of Piscataquis, WESTON of Waldo.

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

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **REFERENCE** and specially assigned for April 28, 2005.

JUDICIARY

Bill "An Act To Protect Maine Citizens from Medical Negligence"

(H.P. 1118) (L.D. 1582)

Sponsored by Representative PELLETIER-SIMPSON of Auburn.

NATURAL RESOURCES

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

(H.P. 1124) (L.D. 1588)

Sponsored by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator COWGER of Kennebec.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

TAXATION

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset (EMERGENCY)

(H.P. 1120) (L.D. 1584)

Sponsored by Representative RINES of Wiscasset.
Cosponsored by Senator DOW of Lincoln and Representatives: BOWLES of Sanford, CUMMINGS of Portland, Speaker RICHARDSON of Brunswick, Senators: President EDMONDS of Cumberland, MAYO of Sagadahoc.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals" (EMERGENCY)

(H.P. 1121) (L.D. 1585)

Sponsored by Representative McKENNEY of Cumberland.
Cosponsored by Senator PERRY of Penobscot and Representatives: CLOUGH of Scarborough, PLUMMER of Windham, WOODBURY of Yarmouth.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Modernize Maine's Tax Code"

(H.P. 1123) (L.D. 1587)

Sponsored by Representative DUDLEY of Portland.
Cosponsored by Senator STRIMLING of Cumberland and Representative: LERMAN of Augusta, Senators: DAMON of Hancock, NUTTING of Androscoggin.

Bill "An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans"

(H.P. 1130) (L.D. 1594)

Sponsored by Representative STEDMAN of Hartland.
Cosponsored by Representatives: CAIN of Orono, DAVIS of Falmouth, EDGECOMB of Caribou, FLETCHER of Winslow, GOLDMAN of Cape Elizabeth, LANSLEY of Sabattus, MAREAN of Hollis.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Rebalance Maine's Tax Code"

(H.P. 1131) (L.D. 1595)

Sponsored by Representative WOODBURY of Yarmouth.
Cosponsored by Senator PERRY of Penobscot.

TRANSPORTATION

Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston

(H.P. 1119) (L.D. 1583)

Sponsored by Representative MAZUREK of Rockland.
Cosponsored by Senator SAVAGE of Knox and Representatives: BROWNE of Vassalboro, HOGAN of Old Orchard Beach,

MARLEY of Portland, MILLER of Somerville, PINGREE of North Haven, RECTOR of Thomaston, SAMPSON of Auburn, TUTTLE of Sanford.

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

UTILITIES AND ENERGY

Bill "An Act To Encourage the Use of Solar Energy"

(H.P. 1122) (L.D. 1586)

Sponsored by Representative BRAUTIGAM of Falmouth. (GOVERNOR'S BILL)
Cosponsored by Senator COURTNEY of York and Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, CURTIS of Madison, FLETCHER of Winslow, MARLEY of Portland, WOODBURY of Yarmouth, Senators: PERRY of Penobscot, WESTON of Waldo.

Pursuant to Statute

Department of Professional and Financial Regulation, Bureau of Insurance

Representative PERRY for the **Department of Professional and Financial Regulation, Bureau of Insurance** 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 750: Standardized Health Plans, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)

(H.P. 1129) (L.D. 1593)

Be REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Resolve REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Public Utilities Commission

Representative BLISS for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1127) (L.D. 1591)

Be REFERRED to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

ORDERS

On motion of Representative BLISS of South Portland, the following Joint Resolution: (H.P. 1115) (Cosponsored by Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BLANCHARD of Old Town, BRANNIGAN of Portland, BROWN of South Berwick, BRYANT of Windham, CAIN of Orono, CLARK of Millinocket, CROSBY of Topsham, DAVIS of Falmouth, DRISCOLL of Westbrook, DUCHESNE of Hudson, EBERLE of

South Portland, EDER of Portland, FARRINGTON of Gorham, FINCH of Fairfield, GLYNN of South Portland, HANLEY of Gardiner, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, LERMAN of Augusta, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, MILLER of Somerville, NORTON of Bangor, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PILON of Saco, PINEAU of Jay, RICHARDSON of Carmel, RICHARDSON of Skowhegan, RINES of Wiscasset, SAMPSON of Auburn, SCHATZ of Blue Hill, SMITH of Monmouth, STEDMAN of Hartland, THOMPSON of China, VALENTINO of Saco, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES
AND THE CONGRESS OF THE UNITED STATES
TO FULFILL THE INTENT TO FUND 40% OF THE COSTS
OF SPECIAL EDUCATION AND TO END UNFUNDED
MANDATES**

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

WHEREAS, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

WHEREAS, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

WHEREAS, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

WHEREAS, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

WHEREAS, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

WHEREAS, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national

average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

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

READ.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative BLISS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In 1975 the federal Individuals With Disabilities Education Act promised a free, quality education to all children, including those with disabilities. The federal government pledged to pay 40% of the cost of educating disabled students. States, including Maine, have been waiting for the feds to look up to that problem ever since.

The average cost of educating a normal child is \$7,552 a year according to the National Education Association. For those with special needs that average cost is \$16,921. In fact, the federal government has never contributed more than 13-20% of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals With Disabilities Education Act.

I sponsored a Joint Order in 2001, memorializing congress and the president to remember their promise. I had nine co-sponsors. At that time, the federal grant funds in the state for children 3-5 years of age represented only 8% of the cost of serving children 3-5 years of age in the state. If the federal grant had been at the 40% level the reward the state would have been increased by \$10,086,000. That's just for children 3-5 years old. The total increase would have been closer to \$68 million.

I sponsored a Joint Order in 2003 making the same request of congress and the president. At that time I had 43 sponsors and the reward to the state was proportionally even lower. When congress debated the acts renewal in 2004 it recommended that the federal government pay 40% of special education costs by the year 2011. The law contained a formula. It did not contain an appropriation to fund it.

This year, as you can see Mr. Speaker, I am again sponsoring a Joint Order, making the same request yet again. This time 47 of my colleagues agreed to sign on as co-sponsors and I thank them for their support.

We are, of course, committed to providing a quality education to all of our students. Every district in the state covers the cost of providing special education to students, either by providing instruction or covering the cost of instruction in a neighboring district and yet we have never seen anything from the federal government even close to the 40% promised. Mr. Speaker, I appreciate the time you have given me and I hope that my colleagues will support me in passing this Joint Order. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

On motion of Representative DUPLESSIE of Westbrook, the following Joint Resolution: (H.P. 1132) (Cosponsored by Senator BRYANT of Oxford and Representatives: ASH of Belfast, BABBIDGE of Kennebunk, BARSTOW of Gorham, BLANCHETTE of Bangor, BROWN of South Berwick, BRYANT of Windham, CLARK of Millinocket, CRAVEN of Lewiston, CUMMINGS of Portland, DRISCOLL of Westbrook, DUCHESNE of Hudson, FARRINGTON of Gorham, FINCH of Fairfield, GLYNN of South Portland, HOGAN of Old Orchard Beach, HOTHAM of Dixfield, LERMAN of Augusta, PARADIS of Frenchville, PATRICK of Rumford, PERRY of Calais, PINEAU of Jay, SCHATZ of Blue Hill, STEDMAN of Hartland, Senators: MARTIN of Aroostook, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot)

JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of Maine's population at 126 locations throughout the State, serving more than 118,000 Maine adults annually; and

WHEREAS, current program areas in adult education reflect the variety of ways Maine's programs serve the needs of the State's population, such as:

1. Collaboration with the Maine Compact for Higher Education and postsecondary institutions, including the Maine Community College System and the University of Maine System, to provide career guidance and brush-up and college preparation classes for aspiring students;
2. Providing direct service to more than 3,500 Maine workers dislocated from 100 companies during the past 3 years;
3. Conferring high school and GED diplomas, with 800 high school diplomas and 2,100 GED diplomas awarded in Maine last year;
4. Playing a key role in Maine's economic development with programs designed to increase workplace readiness and basic skills, including academic review and career guidance, as well as courses offered in collaboration with the Department of Labor and the Maine Centers for Women, Work and Community, and on-site training at businesses focusing on such skills as math, computer literacy, reading and writing;
5. Literacy classes and tutoring, as well as English for speakers of other languages, often in collaboration with Literacy Volunteers of Maine;
6. Family literacy, which includes adult education, early literacy, parenting instruction and intergenerational activities; and
7. A vibrant array of community programs reflecting the needs and interests of Maine people; and

WHEREAS, funding for adult education in Maine is a partnership that includes state subsidies, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, pause to acknowledge and applaud Maine's adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

READ.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is also just a reminder that today is Adult Education Day here in Maine and down in the Hall of Flags are many of the directors - if not all of them - from the state that have to do with adult education and we should all be proud of what we have done here in Maine, especially the recent budget, one of the few programs that had an increase in services was the adult education program. This is a vital service to all of our constituents that is increasing each year in most of our communities so please take a moment and stop down in the Hall of Flags today. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**. Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert Pettengill, of Old Orchard Beach, a longtime member of the VFW Post 7997, who was recently appointed National Deputy Chief of Staff of the VFW. Mr. Pettengill has been a member of the VFW for 46 years, and has been a commander for 24 years. He served with honor during the Korean War, as part of the Inchon invasion. We acknowledge his dedicated service to the VFW and to his Nation, and we extend our congratulations to him on his appointment as National Deputy Chief of Staff of the VFW;

(HLS 566)

Presented by Representative HOGAN of Old Orchard Beach. Cosponsored by Senator HOBBS of York.

On **OBJECTION** of Representative HOGAN of Old Orchard Beach, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I welcome today a man who has dedicated 46 years of his life to his local VFW organization, local 7997. I can't imagine 46 years on anything, but he has done it, he and his wife. For 24 of those years he has been the commander of that local. He and his wife Lorraine were always there for all the kids, organizing town Halloween parties, Christmas parties, making sure everybody had a present and Santa Claus was there as well.

Bob Pettengill is a quiet unassuming type who simply stays focused on the job and does whatever needs to be done to get that job done. His recent acceptance of the award is long overdue. The respect he enjoys through the VFW extends throughout our community to him on this day. Bob, as your Representative I wish to thank you for once again, being so committed to your VFW and your community of Old Orchard Beach and I want to also extend congratulations to the prestigious National Deputy of Chief of Staff of the VFW presented to Bob. Congratulations. I want to also thank you for coming here today with your family and friends and enjoy the day. Thank you very much.

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

Recognizing:

the Maine Nurse Practitioners Association on the 10th Anniversary of the Independent Practice Act, which established the right to independent practice for Maine nurse practitioners. This Act has significantly broadened access to health care for many Mainers and contributed to the creation of one of the most progressive practice environments in the nation for advanced practice nurses. Nurse practitioners are dedicated professionals who offer a unique combination of nursing and medical service to patients. We extend our congratulations to the more than 850 nurse practitioners in Maine who provide both primary and specialty care;

(HLS 577)

Presented by Representative PERRY of Calais.
Cosponsored by Senator RAYE of Washington.

On **OBJECTION** of Representative PERRY of Calais, was **REMOVED** from the Special Sentiment Calendar.

READ.

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

In Memory of:

the Honorable Maurice D. Anderson, of Oxbow Plantation, former longtime member of the Maine House of Representatives. Mr. Anderson served in the 90th, 91st and 92nd Legislatures, representing the Ashland-Oxbow district in Aroostook County. He then served in the 95th, 96th and 100th Legislatures, representing the Greenville-Monson-Shirley districts of Piscataquis County. He was a former chairman of the Republican Committees of Oxbow Plantation and Greenville as well as a member and past chairman of the Piscataquis County Republican Committee. He retired from Great Northern Paper after 30 years of service in 1973 and served in municipal offices in both Oxbow Plantation and Greenville, where he was a member of the town council for 7 years and Town Moderator for more than 25 years. He was longtime a member of numerous fraternal, religious and civic organizations. We acknowledge his dedicated service to his communities and to the State of Maine. He will be greatly missed by his loving family, neighbors and many friends;

(HLS 578)

Presented by Representative JACKSON of Fort Kent.
Cosponsored by Senator MARTIN of Aroostook, Representative CHURCHILL of Washburn, Representative SMITH of Van Buren, Representative PARADIS of Frenchville, Senator CLUKEY of Aroostook.

On **OBJECTION** of Representative JACKSON of Fort Kent, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in remembrance of the honorable Maurice D. Anderson of Oxbow.

Mr. Anderson, being a former member of this body, was someone that I came to know when I first started to run for election in 2000, Oxbow being in my district at that time, a small town on the southern end.

The first time that I had the opportunity to go to Oxbow, I started down over the hill to a little log cabin on the side of the road, very nice – picturesque setting. I walked up to the door and knocked, no answer. I left the flyer in the door and continued going door to door for the rest of the day. About a week later, I received in the mail a check for \$25 and a note from Mr.

Anderson encouraging me to stop back in and encouraging me to continue my efforts and that began our friendship and his mentoring of me in politics.

I think it says a great deal about the type of person that Mr. Anderson was that not only did he serve three terms in the Ashland area as a Representative but a short time later he spent three more terms in the Greenville area as a Representative. Now I don't know about the rest of you, but I think a lot of the reason why I get elected is because I know mostly everyone in my area and I have known them for a long time. But, to go to a different place in the State of Maine, and just in a short time, run for a reelection and be elected in that area I think that says a lot about the character of this man. Everyone knew that he was a humble man, a good man and was elected in a different area.

The thing about Mr. Anderson that I certainly enjoyed was that every so often I would receive a typed note from him talking about different things that I had been doing or different things that had been going on in the community. I looked forward to seeing those notes. He cut out paper clippings of things that I had been working on and sent them to me. He told me that I should keep them in a scrapbook. Once day he sent me a note saying how much he enjoyed doing that because it made him feel that he was still in politics. I am going to really miss receiving those notes from Mr. Anderson, someone that I could compare to my grandfather, a very good man a very honorable man. Someone that was religious.

I just want to express my sympathies towards his family. Mr. Anderson's granddaughter, Diane Hamlin, is here today and it's going to be a sad day that we don't have someone like him around to continue to let us know how things should be done properly in the State of Maine and I certainly will miss him. Thank you Mr. Speaker.

Subsequently, the sentiment was **ADOPTED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative PIOTTI for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects" (EMERGENCY)

(H.P. 1126) (L.D. 1590)

Reporting **Ought to Pass** pursuant to Joint Order 2005, H.P. 925.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and **ASSIGNED FOR SECOND READING** Thursday, April 28, 2005.

Refer to the Committee on Natural Resources

Pursuant to Joint Order

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act Regarding Disposal of Dredged Materials"

(H.P. 1128) (L.D. 1592)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Joint Order 2005, H.P. 721.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Institute Loser-pay Litigation in the State of Maine"

(S.P. 14) (L.D. 34)

Signed:

Senators:

HOBBS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
NASS of Acton

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

Signed:

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner

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

On motion of Representative PELLETIER-SIMPSON of Auburn, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Concerning Disability Retirement Benefits under the Maine State Retirement System"

(S.P. 35) (L.D. 93)

Signed:

Senators:

STRIMLING of Cumberland
SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
TUTTLE of Sanford
HAMPER of Oxford

CLARK of Millinocket

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-82)** on same Bill.

Signed:

Representative:

HUTTON of Bowdoinham

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

On motion of Representative JACKSON of Fort Kent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Conform Maine Law to Federal Overtime Standards"

(H.P. 320) (L.D. 435)

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin.

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

READ.

Representative JACKSON of Fort Kent moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 101) (L.D. 339) Bill "An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 149) (L.D. 462) Bill "An Act To Make the 3rd Violation of OUI a Class C Crime" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-77)**

(S.P. 196) (L.D. 587) Bill "An Act To Make Changes to the Banking Laws" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-78)**

(S.P. 324) (L.D. 949) Bill "An Act To Enhance the Supervisory Powers of the Department of Professional and Financial Regulation, Bureau of Financial Institutions" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)**

(H.P. 187) (L.D. 248) Bill "An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 93) (L.D. 117) Bill "An Act To Amend Provisions of the Maine Land Use Regulation Commission Law" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

(H.P. 170) (L.D. 231) Bill "An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-157)**

(H.P. 184) (L.D. 245) Bill "An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-135)**

(H.P. 214) (L.D. 289) Bill "An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)**

(H.P. 235) (L.D. 311) Bill "An Act To Prohibit Steering in Automobile Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)**

(H.P. 252) (L.D. 329) Bill "An Act Concerning Recognition of Qualified Political Parties" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-161)**

(H.P. 268) (L.D. 355) Bill "An Act To Amend the Mexico Water District Charter" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)**

(H.P. 337) (L.D. 459) Bill "An Act To Amend the Mexico Sewer District Charter" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-138)**

(H.P. 346) (L.D. 471) Bill "An Act To Prohibit State Departments, Agencies and Bureaus from Conducting Business with Any Entity That Outsources Services Outside of the United States of America" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-133)**

(H.P. 420) (L.D. 565) Bill "An Act To Amend the Law Regarding Fishing Derbies" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)**

(H.P. 422) (L.D. 589) Bill "An Act To Strengthen Ethical Standards Regarding Former Legislators" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)**

(H.P. 479) (L.D. 659) Bill "An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-158)**

(H.P. 492) (L.D. 672) Bill "An Act To Promote Ornamental Horticulture by Amending the Definition of 'Commercial Agricultural Production'" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)**

(H.P. 511) (L.D. 716) Bill "An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

(H.P. 522) (L.D. 727) Bill "An Act To Amend the Knox County Budget Process" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)**

(H.P. 574) (L.D. 809) Bill "An Act To Facilitate Testimony in Workers' Compensation Proceedings" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)**

(H.P. 595) (L.D. 836) Bill "An Act To Amend the Laws Governing Aquaculture" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)**

(H.P. 611) (L.D. 860) Bill "An Act To Efficiently Use Funds of the Public Utilities Commission" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)**

(H.P. 673) (L.D. 963) Bill "An Act To Set Standards for Electronic Methods Used for Wage Payment" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-160)**

(H.P. 688) (L.D. 978) Bill "An Act To Allow State Employees To Participate in a Deferred Retirement Option Program" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-145)**

(H.P. 696) (L.D. 1012) Bill "An Act To Improve Security at State Courthouses" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)**

(H.P. 733) (L.D. 1080) Bill "An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)**

(H.P. 743) (L.D. 1090) Bill "An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)**

(H.P. 947) (L.D. 1364) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-172)**

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. 16) (L.D. 36) Bill "An Act To Promote Access to Transportation for Seniors"

(H.P. 41) (L.D. 45) Resolve, To Rename Chick Road in Lebanon and Sanford after the Late State Representative Howard Chick

(H.P. 273) (L.D. 360) Bill "An Act To Create a Retired Firefighter License Plate" (C. "A" H-131)

(H.P. 309) (L.D. 424) Bill "An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from Licensure" (C. "A" H-128)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **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.**

(H.P. 403) (L.D. 548) Bill "An Act To Enhance the Prosecution of Child Pornography Cases" (C. "A" H-132)

On motion of Representative DUPLESSIE of Westbrook, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED AS AMENDED** and later today assigned.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Exempt Certain Tires from the Speed Rating Requirements"

(H.P. 303) (L.D. 418)
(C. "A" H-117)

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

Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education

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

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 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The **SPEAKER**: The Chair recognizes the Representative from Mars Hill, Representative Lundeen who wishes to address the House on the record.

Representative **LUNDEEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to speak about the Central Aroostook High School State Class D basketball champions. I am so honored and proud today to have these fine young men, the Class D State Basketball Champions from Central Aroostook High School in Mars Hill.

I have a special interest in this team. I have a grandson, Taylor McLaughlin who is a member of this team. This team started talking about the gold ball in the seventh and eighth grade.

Their coach could not be with them today so, Carol-Lee Hallot, the grandmother of Jason Woodworth, who is a thousand point scorer on the team, volunteered her time to come down with them. Carol-Lee is a local school board member and also a

member of the Maine School Board Association. I could go on and on about this team.

I will tell you a little secret about them. They have twelve good ball players who have played together for a long time. When they played a good team they could wear them down by using the players from the bench. I think this was the key to winning the gold ball. At this time I would like to introduce the players: Jason Woodworth, Taylor McLaughlin my grandson, Andrew York, Travis White, Brock Burk, Tim Carrelson and Brian Shaw. Thank you Panthers for coming down.

Acts

An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act

(S.P. 124) (L.D. 400)

An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition

(H.P. 444) (L.D. 611)

An Act To Authorize the Exchange of a Designated Hunting Season for Another Hunting Season for the Same Game Species

(H.P. 445) (L.D. 612)

(C. "A" H-112)

An Act To Provide Free Antlerless Deer Permits to Persons 100 Years of Age or Older

(S.P. 207) (L.D. 652)

(C. "A" S-70)

An Act To Create a Civil Violation for Operating a Snowmobile Left of Center

(H.P. 687) (L.D. 977)

(C. "A" H-111)

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.

An Act To Ban Remote-control Hunting

(H.P. 46) (L.D. 50)

(C. "A" H-110)

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. 80

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, McKane,

McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, 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, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant-Deschenes, Burns, Dugay, Jacobsen, Kaelin, Marean, Smith W, Wheeler.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 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 items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 14, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, Requiring the Secretary of State To Develop Voting Systems Standards (EMERGENCY)

(H.P. 76) (L.D. 100)

TABLED - April 14, 2005 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-129).**

Subsequently, **Committee Amendment "A" (H-129) was ADOPTED.**

The Resolve was assigned for **SECOND READING** Thursday, April 28, 2005.

SENATE PAPERS

The following Joint Resolution: (S.P. 569)

JOINT RESOLUTION RECOGNIZING APRIL 26TH AS MAINE'S

"TEACH CHILDREN TO SAVE DAY" AND THE MEMBERS OF THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for more than 110 years; and

WHEREAS, the associations' members and their employees continue to demonstrate their commitment to children and the communities they serve by donating thousands of volunteer hours and millions of dollars in community contributions in 2004-2005; and

WHEREAS, the commitment to volunteerism and assisting Maine's youth is represented by the 2005 Maine Bankers Association America's Promise Volunteers:

Sheri Bartlett, Camden National Bank
 Angela Belmonte, Acadia Trust Company
 Meris Bickford, Merrill Bank
 Barbara Brown, Acadia Trust Company
 Alina Burke, Northeast Bank, F.S.B.
 Carrie Burridge, Camden National Bank

JoEllen Clark, Acadia Trust Company
 Dean Clark, First Citizens Bank
 Lisa Darling, Acadia Trust Company
 Nancy Drisko, KeyBank, N.A.
 Dan Flaherty, Camden National Bank
 Becky Gibson, Camden National Bank
 Alli Goulet, Camden National Bank
 Cheryl Hagmann, Maine Bank & Trust
 Connie Heald, Katahdin Trust Company
 Lorraine Ivers, Camden National Bank
 Ruth Jarrett, Camden National Bank
 Jennifer Kurr, Camden National Bank
 Peter Mars, MBNA
 Mary McEnroe, The First
 Robert McKay, United Kingfield Bank
 Jeanette Piselli, Camden National Bank
 Sara Ruef-Lindquist, Union Trust Company
 Sharon Sesling, Acadia Trust Company
 Julie Wilcox, Acadia Trust Company; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are also giving back to their communities through a commitment to provide financial literacy programs to Maine's youth and young adults; and

WHEREAS, April 26, 2005 has been proclaimed by Governor John Baldacci as Maine's "Teach Children to Save Day"; and

WHEREAS, members of the Maine Bankers Association will teach children about saving in over 100 schools on April 26th, and this financial literacy program coordinated with the American Bankers Association's Education Foundation is helping to provide financial education that is essential to forming a lifetime of positive habits devoted to saving, wise use of credit and fiscal responsibility; and

WHEREAS, Maine's banking industry continues to be an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their continued commitment and contributions to their communities and in supporting Maine's long tradition of service to others and to recognize this industry's commitment to providing needed financial literacy programs and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and to each of the 2005 America's Promise Volunteers.

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

Bill "An Act To Extend the Ban on Assault Weapons"
 (S.P. 561) (L.D. 1579)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Modify the Calculation and Implementation Date of Savings Offset Payments under the Dirigo Health Act" (S.P. 555) (L.D. 1577)

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

Bill "An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities" (S.P. 560) (L.D. 1578)

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

Bill "An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests" (EMERGENCY) (S.P. 554) (L.D. 1576)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed. **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-167)** on Bill "An Act To Allow Park Passes To Be Used at Scarborough Beach State Park" (H.P. 568) (L.D. 803)

Signed:
Senators:
NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington
Representatives:
PIOTTI of Unity
PINEAU of Jay
SHERMAN of Hodgdon
FLOOD of Winthrop
LUNDEEN of Mars Hill
MAREAN of Hollis
JENNINGS of Leeds
JODREY of Bethel
CARR of Lincoln

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

Signed:
Representative:
TWOMEY of Biddeford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-167)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 28, 2005.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended** by

Committee Amendment "A" (H-152) on Bill "An Act To Allow the Use of Crossbows for Hunting" (H.P. 63) (L.D. 67)

Signed:
Senators:
BRYANT of Oxford
WOODCOCK of Franklin

Representatives:
WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
CEBRA of Naples
MOODY of Manchester
TRAHAN of Waldoboro
JACKSON of Fort Kent
RICHARDSON of Carmel
BRYANT of Windham

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

Signed:
Representative:
RICHARDSON of Greenville
READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-152)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 28, 2005.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Change the Noncommercial Scallop Season" (H.P. 523) (L.D. 728)

Signed:
Senators:
DAMON of Hancock
SULLIVAN of York
Representatives:
PERCY of Phippsburg
EMERY of Cutler
SEAVEY of Kennebunkport
DUGAY of Cherryfield
ASH of Belfast
KAELIN of Winterport
ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)** on same Bill.

Signed:
Representatives:
FLETCHER of Winslow
CRESSEY of Cornish
EDER of Portland
READ.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects" (H.P. 289) (L.D. 387)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

Representatives:

KOFFMAN of Bar Harbor

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-154)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

JOY of Crystal

READ.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-162)** on Bill "An Act To Protect Household Pets and Other Small Animals from Poisoning" (H.P. 432) (L.D. 599)

Signed:

Senators:

COWGER of Kennebec

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

JOY of Crystal

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DUCHESNE of Hudson

ROSEN of Bucksport

TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-163)** on same Bill.

Signed:

Representatives:

DAIGLE of Arundel

SAVIELLO of Wilton

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-162)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 28, 2005.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations" (H.P. 585) (L.D. 826)

Signed:

Senator:

COWGER of Kennebec

Representatives:

KOFFMAN of Bar Harbor

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

JOY of Crystal

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On Motion of Representative CUMMINGS of Portland the Bill was **TABLED** until later in today's session pending the motion of Representative KOFFMAN of Bar Harbor to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Provide Adequate Funding for the Enforcement of Environmental Laws" (H.P. 744) (L.D. 1091)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

READ.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-168)** on Bill "An Act To Set Emission Limits for Certain Architectural Coatings"

(H.P. 753) (L.D. 1100)

Signed:

Senators:

SNOWE-MELLO of Androscoggin

MARTIN of Aroostook

Representatives:

JOY of Crystal

THOMPSON of China

ANNIS of Dover-Foxcroft

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-169)** on same Bill.

Signed:

Senator:

COWGER of Kennebec

Representatives:

KOFFMAN of Bar Harbor

EBERLE of South Portland

TWOMEY of Biddeford

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and specially assigned for Thursday, April 28, 2005.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Encourage More Dentists To Practice in the State"

(H.P. 443) (L.D. 610)

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

WOODBURY of Yarmouth

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket

PINEAU of Jay

HUTTON of Bowdoinham

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt from the Sales Tax Electricity Used by a Senior Citizen To Heat a Home"

(H.P. 769) (L.D. 1116)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

HANLEY of Paris

CLARK of Millinocket

McCORMICK of West Gardiner

WOODBURY of Yarmouth

CLOUGH of Scarborough

PINEAU of Jay

BIERMAN of Sorrento

HUTTON of Bowdoinham

SEAVEY of Kennebunkport

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)** on same Bill.

Signed:

Senator:

COURTNEY of York

READ.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 81

YEA - Babbidge, Barstow, Beaudette, Bierman, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Browne W, Cain, Canavan, Clark, Clough, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Eberle, Faircloth, Farrington, Finch, Fisher, Fitts, Gerzofsky, Goldman, Hanley B, Hanley S, Harlow, Hutton, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, Marraché, McCormick, McKane, Merrill, Miller, Moody, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Richardson M, Rines, Sampson, Saviello, Seavey, Smith N, Thompson, Valentino, Walcott, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Ash, Austin, Berube, Bishop, Bowen, Brown R, Bryant, Burns, Campbell, Carr, Cebra, Churchill, Collins, Cressey, Crosby, Crosthwaite, Duprey, Eder, Edgecomb, Emery, Fischer, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hogan, Hotham, Jackson, Jennings, Jodrey, Joy, Lansley, Lewin, Mazurek, McFadden, McKenney, McLeod, Millett, Mills, Moore G, Moulton, Ott, Pinkham, Plummer, Richardson W, Robinson, Rosen, Schatz, Sherman, Shields,

Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Vaughan, Webster.

ABSENT - Bryant-Deschenes, Duplessie, Jacobsen, Kaelin, Marean, Smith W, Watson, Wheeler.

Yes, 79; No, 64; Absent, 8; Excused, 0.

79 having voted in the affirmative and 64 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Require a Person Operating Farm Equipment on Public Roads To Be Adequately Trained"

(H.P. 194) (L.D. 255)

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox
DIAMOND of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-165) on same Bill.

Signed:

Representative:

MARLEY of Portland

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass** on Bill "An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects"

(H.P. 835) (L.D. 1217)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
PARADIS of Frenchville
HOGAN of Old Orchard Beach
MAZUREK of Rockland
COLLINS of Wells
BROWNE of Vassalboro
THOMAS of Ripley
McKENNEY of Cumberland

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

Signed:

Representatives:

FISHER of Brewer

SAMPSON of Auburn

READ.

On motion of Representative MARLEY of Portland, the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 28, 2005.

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

On motion of Representative JACKSON of Fort Kent, the House adjourned at 12:10 p.m., until 10:00 a.m., Thursday, April 28, 2005 in honor and lasting tribute to the Honorable Maurice D. Anderson, of Oxbow Plantation.