

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
 9th Legislative Day
 Thursday, April 28, 2005

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

Prayer by Pastor James Stinson, North Blue Hill Pentecostal Assembly Church.

National Anthem by Lyseth Elementary School Chorus, Portland.

Pledge of Allegiance.

The Journal of Tuesday, April 26, 2005 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 576)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the Senate, a bill to move forward the start date of the Unused Pharmaceutical Disposal Program and to allow the receipt of non-General Fund public funding for the program.

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

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 577)

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the Senate, a bill regarding the regulation of poultry processing.

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

READ and **PASSED** in concurrence.

Bill "An Act To Prevent the Manufacturing of Methamphetamine in Maine"

(S.P. 575) (L.D. 1601)

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act Limiting Clean Election Candidates' Campaign Soliciting"

(S.P. 570) (L.D. 1596)

Bill "An Act To Compensate the Gambling Control Board" (EMERGENCY)

(S.P. 571) (L.D. 1597)

Bill "An Act To Prevent Campaigning at Polling Places"

(S.P. 572) (L.D. 1598)

Bill "An Act Regarding the Commission on Governmental Ethics and Election Practices" (EMERGENCY)

(S.P. 573) (L.D. 1599)

Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores

(S.P. 574) (L.D. 1600)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 162)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

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

L.D. 187 An Act To Delay Certain Educational Assessment Requirements

L.D. 426 Resolve, To Place a Moratorium on School Administrative Units' Local Assessment Systems

L.D. 665 Resolve, Directing the Department of Education To Clarify Graduation Requirements for Special Education Students

L.D. 675 An Act To Require That Students Meet Learning Results Requirements before Entering Grade 9

L.D. 783 An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students

L.D. 784 Resolve, Directing the Department of Education To Conduct a Fiscal Analysis of State Requirements That School Administrative Units Implement Local Assessment Systems

L.D. 1088 Resolve, Directing the Department of Education To Review Specific Testing Requirements for Student Advancement

L.D. 1137 An Act To Ensure Implementation of All Content Areas of the System of Learning Results

L.D. 1221 Resolve, To Replace the Current Assessment Exams with a More Appropriate Test

L.D. 1295 An Act To Establish the Maine Enterprise Commerce Center of Augusta

L.D. 1386 An Act Concerning Town Academies and the System of Learning Results

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. 163)

STATE OF MAINE

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

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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 384 An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit

L.D. 1254 An Act Concerning Concealed Firearms Permits

L.D. 1323 An Act To Create the Crime of Producing Graffiti

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. 164)

STATE OF MAINE

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

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

L.D. 1213 An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Leila J. Percy

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 165)

STATE OF MAINE

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

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

L.D. 189 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to Owners of Property Used for Commercial Fishing and Homestead Land

L.D. 297 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay

L.D. 298 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads

L.D. 475 An Act To Change the Allocation of the Real Estate Transfer Tax

L.D. 731 An Act To Simplify the Maine Residents Property Tax Program

L.D. 740 An Act To Amend Maine's Nonresident Income Tax Provisions

L.D. 751 An Act Concerning Counties' Share of the Real Estate Transfer Tax

L.D. 1060 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Value Land Based on Its Current Use

L.D. 1066 An Act To Repeal the Homestead Property Tax Exemption and Redirect Property Tax Relief Funds to the Maine Residents Property Tax Program

L.D. 1107 An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax

L.D. 1134 An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes

L.D. 1199 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Property Valuation Increases for Persons 65 Years of Age or Older or Disabled Persons

L.D. 1301 An Act To Support Affordable Housing

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. 166)

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

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

- L.D. 30 An Act To Apply a System of Spending Limitations to State, County and Municipal Governments and School Administrative Units
- L.D. 206 An Act To Transfer Funds to the Maine Clean Election Fund
- L.D. 410 An Act To Provide Funding for Hospices in Maine
- L.D. 871 An Act To Recapitalize the Municipal Investment Trust Fund
- L.D. 1291 An Act To Fund Fully the Purchase of Military Time

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

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 167)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 160 An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol
- L.D. 707 An Act To Improve Care for Adults with Mental Retardation
- L.D. 768 An Act Regarding General Assistance under Special Circumstances
- L.D. 801 Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health

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

Sincerely,

S/Sen. Arthur F. Mayo, III

Senate Chair

S/Rep. Hannah Pingree

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 556)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 15, 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 Brian Thayer of Cumberland, Doris Belisle-Bonneau of Lewiston, and Merle Nelson of Falmouth for appointment as members of the Board of Trustees, Maine Community College System.

Pursuant to Title 20-A, M.R.S.A. § 12705(1), 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.P. 557)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Pelletier-Simpson

House Chair, Joint Standing Committee on Judiciary

122nd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Jessie Gunther of Bangor for reappointment as a Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. § 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

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

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

The Following Communication: (S.P. 558)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has nominated Thomas D. Warren of Portland for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 559)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has nominated Thomas E. Humphrey of Portland for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 562)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 19, 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 Kenneth Williams of Damariscotta for appointment and Catherine Sullivan of Portland for reappointment as members of the Board of Trustees, Maine State Retirement System.

Pursuant to Title 5, M.R.S.A., §17102(1), these nominations 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. 563)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 19, 2005

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. John F. Piotti
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
122nd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:

Please be advised that Governor John E. Baldacci has nominated Gwendolyn Hilton of Starks for appointment and Stephen Wight of Newry, Ernest Harvey of Millinocket, and Edward Laverty of Milo for reappointment as members of the Maine Land Use Regulation Commission.

Pursuant to Title 12 M.R.S.A. §683, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 564)

**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 22, 2005

Sen. Nancy B. Sullivan
Senate Chair, Joint Standing Committee on Insurance and Financial Services
Rep. Anne C. Perry
House Chair, Joint Standing Committee on Insurance and Financial Services
122nd Legislature

Augusta, ME 04333

Dear Senator Sullivan and Representative Perry:

Please be advised that Governor John E. Baldacci has nominated Christine Bruenn of Jefferson for appointment as Commissioner of the Department of Professional and Financial Regulation.

Pursuant to Title 10 M.R.S.A. §8002, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services.

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 **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

The Following Communication: (S.P. 565)

122ND MAINE LEGISLATURE

AUGUSTA, MAINE 04333

April 20, 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 Samuel Goldman of Brooksville for appointment and Dr. William Bergen of Presque Isle, Nancy Violette of Lisbon, and Margaret Copelin of Benton for reappointment as members of the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, M.R.S.A., §8204(1), 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.P. 566)

122ND MAINE LEGISLATURE

AUGUSTA, MAINE 04333

April 20, 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 William J. Horn of Lewiston and Terri Thompson of Gorham for appointment and Diane St. Lawrence of New Portland and Susan Blethen of Falmouth for reappointment as members of the School Board for the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, M.R.S.A., §7406(1) 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.P. 567)

122ND MAINE LEGISLATURE

AUGUSTA, MAINE 04333

April 21, 2005

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development

122nd Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, Governor John E. Baldacci has withdrawn the nomination of Paul E. Violette of Westbrook for appointment to the Loring Development Authority.

This nomination is currently pending before the Joint Standing Committee on Business, Research, and Economic Development.

Thank you for your assistance in this matter.

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 568)

122ND MAINE LEGISLATURE

AUGUSTA, MAINE 04333

April 21, 2005

Sen. Dennis S. Damon

Senate Chair, Joint Standing Committee on Marine Resources

Rep. Leila J. Percy

House Chair, Joint Standing Committee on Marine Resources

122nd Legislature

Augusta, ME 04333

Dear Senator Damon and Representative Percy:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, Governor John E. Baldacci has withdrawn the nomination of Mr. Randy Newcomb for appointment to the Marine Resources Advisory Council. The withdrawal of this nomination is necessary due to scheduling conflicts for the confirmation process.

This nomination is currently pending before the Joint Standing Committee on Marine Resources.

Thank you for your assistance in this matter.

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 **MARINE RESOURCES**.

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

The Following Communication: (S.P. 578)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 25, 2005
Sen. Scott W. Cowger
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
122nd Legislature
Augusta, ME 04333

Dear Senator Cowger and Representative Koffman:
Please be advised that Governor John E. Baldacci has nominated Elizabeth Ehrenfeld of Falmouth and Denis Culley of Mercer for appointment as members of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources.

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 **NATURAL RESOURCES**.

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

The Following Communication: (S.P. 579)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 25, 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 Shepard Lee of Cape Elizabeth and Andrea Watkins of Windsor for appointment and Cynthia Phinney of New Sharon

for reappointment as members of the Board of Trustees, Maine Community College System.

Pursuant to Title 20-A, M.R.S.A., §12705(1) 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.P. 580)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 22, 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, pursuant to Title 3 M.R.S.A. §154, Governor John E. Baldacci has withdrawn the nomination of Ms. Merle Nelson for appointment as a member of the Board of Trustees, Maine Community College System. The withdrawal of this nomination is necessary due to scheduling conflicts for the confirmation process.

This nomination is currently pending before 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.P. 581)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

April 25, 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 Merle Nelson of Falmouth for appointment as a member of the Board of Trustees, Maine Community College System.

Pursuant to Title 20-A, M.R.S.A., §12705(1), this nomination 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.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Sunset Income Tax Checkoffs"
(H.P. 1133) (L.D. 1606)

Sponsored by Representative WOODBURY of Yarmouth.
Cosponsored by Senator PERRY of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Provide Incentives for Maine Film Production"
(H.P. 1134) (L.D. 1607)

Sponsored by Representative PINGREE of North Haven.
Cosponsored by Senator SAVAGE of Knox and Representatives: CROSBY of Topsham, JODREY of Bethel, MARRACHÉ of Waterville, PERCY of Phippsburg, RECTOR of Thomaston, Senators: BRENNAN of Cumberland, President EDMONDS of Cumberland, RAYE of Washington.

Committee on **TAXATION** suggested and ordered printed.
REFERRED to the Committee on **TAXATION** and ordered printed.
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 Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1137) (L.D. 1610)

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 BARSTOW of Gorham, the following Joint Order: (H.P. 1135)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill to assist in the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority with regard to the spending caps implemented in Public Law 2005, chapter 12.

READ and **PASSED**.
Sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative WATSON of Bath, the following Joint Order:
(H.P. 1136)

ORDERED, the Senate concurring, that the Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife is established as follows.

1. Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife established. The Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following members:

- A. Two members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats; and
- B. Two members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats.

The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee and the Commissioner of Conservation or the commissioner's designee are invited to serve on the commission as voting members.

3. Participation of stakeholders. The commission shall invite the participation of and input from interested state agencies and stakeholders, including, but not limited to:

- A. Sportsmen in the State;
- B. Small woodlot owners;
- C. The Maine Farm Bureau;
- D. Large landowners;
- E. Environmental organizations;
- F. Registered Maine guides;
- G. The State Economist;
- H. Retailers of outdoor equipment; and
- I. Outdoor recreational businesses.

4. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

5. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission, which must be no later than August 1, 2005.

6. Duties. The commission shall review sources for long-term funding of the Department of Inland Fisheries and Wildlife. The commission shall also review other issues, including, but not limited to, issues associated with nonconsumptive recreational use and landowner relations.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

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

members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission.

9. Report. No later than December 7, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Inland Fisheries and Wildlife and the Legislative Council. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report.

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

11. Budget. The commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by July 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Valarie M. Parlin, of Gardiner, on the occasion of her retirement after 25 years of dedicated service to the State of Maine. As Senior Secretary for the Office of Policy and Legal Analysis of the Maine State Legislature she has been a talented and valuable employee, known for her professionalism, good humor and the quality of her work. She has made notable contributions to the Office of Policy and Legal Analysis and to the State of Maine through her dedication and a high level of excellence in her work. We send her our best wishes for a happy retirement;

(SLS 275)

On **OBJECTION** of Representative HANLEY of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: Valerie had this Special Sentiment read to her, but I want to say on behalf of all of us, both members here currently and past members. We thank you for all the hard work. Twenty five years of her working in that office has made us a better legislature and I want to thank you for all the hard work after 25 years and wish you a well deserved retirement. Thank you very much.

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

Recognizing:

Robert Winn, a teacher at Wells Junior High School and cross-country coach at Wells High School, and the following students on raising \$5,000 for the York VFW: Erica Boulay, Sarah Cusack, Elizabeth Caron, Thomas Esson, Whitney Fenderson, Clare Fortune-Agan, Jamaica Gilliam (from York Middle School), Justin Grimes, Adam Hamlyn, William Hardy, Peter Hill, Michael Kuna, Rachael Plummer, Shawn Ruel and Brittany Toth. They accepted donations from various civic groups and individuals, and on Veterans Day, 2004 they ran more than 100 miles to raise money for families of Maine soldiers killed in Iraq and Afghanistan. The money was donated to the Family Organization Program to assist families with hardship cases while their loved ones are serving overseas, and for "care" packages to soldiers serving in Iraq and Afghanistan. We acknowledge the unselfish contributions of Mr. Winn and the students and we commend them for their accomplishments;

(HLS 589)

Presented by Representative COLLINS of Wells.

Cosponsored by Senator NASS of York, Representative MOULTON of York.

On **OBJECTION** of Representative COLLINS of Wells, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We all too frequently hear the bad things about young folks. It's refreshing to me, and I'm sure to you all in this chamber today, that a group of Wells High School students along with their Coach Bob Winn and other adult advisors took it upon themselves to raise funds to aid the families of soldiers in Iraq.

They decided they would walk from the closest veterans organization, that being in York. They started in York and they had a relay, walking, running all the way from York to here at the Capitol. This all happened last November the 11th, Veterans' Day. I commend their dedication and service to their community and their country and here again I think it is refreshing to see these young people take the initiative and do something positive. Thank you.

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

REPORTS OF COMMITTEE**Change of Committee**

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support the Disclosure of Information to Relatives Who Are Likely To Provide Care to Children"

(S.P. 73) (L.D. 220)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit an Insurer from Canceling an Insurance Policy due to Ownership of Certain Breeds of Dog"

(S.P. 169) (L.D. 543)

Signed:

Senators:

SULLIVAN of York
MILLS of Somerset
MAYO of Sagadahoc

Representatives:

PERRY of Calais
McKANE of Newcastle
BRAUTIGAM of Falmouth
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)** on same Bill.

Signed:

Representatives:

LINDELL of Frankfort
HARLOW of Portland

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

READ.

Representative MARRACHÉ of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am speaking against the motion on the floor, which is to accept the Majority Ought Not to Pass Report. The Minority Report from the committee is an Ought to Pass as Amended.

As amended, this bill would effectively prohibit the insurance companies from simply canceling an insurance policy, a homeowner's insurance policy, just because of the breed of dog that somebody owns. It does not prohibit insurance companies from charging a higher premium; it does not prohibit the insurance companies from non-renewing at the end of the term of the policy at the end of the year. It simply prohibits the cancellation and there have been a number of complaints from constituents of mine of insurance companies learning that someone has adopted a Dalmatian or a Saint Bernard, which

believe it or not is on the hit list of the insurance companies. They have simply had their insurance cancelled and have been faced with the prospect of going out and trying to find additional insurance.

The best thing to do is - if the insurance company wants to do it - to charge a higher rate, and they can non-renew. All this does is prohibit the cancellation. Ladies and gentlemen I urge you to vote no on the motion Ought Not to Pass and I request a roll call and I also urge you to vote Ought to Pass on the Minority Report.

The same Representative **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: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respect my colleagues view on this. The reason this has an 11-2 on the Majority Report is that there was compelling evidence that certain breeds of dogs are dangerous and increase the risk to insurers. They are the defensive weapon of choice for drug dealers. Most often the victim is a child and the most frequent target is a face. We have heard of these reports over and over again.

We all end up paying for these dog bites and they are very dangerous and with any dangerous situation the insurance company ought to be able to cancel. If you have a dangerous situation around, and these dogs are very dangerous, the insurance company ought to be able to cancel so I support the Majority Ought Not to Pass Report. Thank you.

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

Representative CARR: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is, is there anything that would prohibit the insurance company from already saying that they wouldn't ensure any bites or anything that the animals may have caused. Is there anything that would prohibit them from stating that in the policy, which would actually avoid canceling somebody's insurance?

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Regarding what is in the law, a cancellation can occur if there is a dog bite and therefore the dog is considered dangerous and the insurance can cancel insurance now for that reason. What this law purports to do is to allow cancellation just for owning a breed of dog without any history and the committee felt that that was much more extensive than was needed.

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. 82

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Berube, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Bryant, Burns, Cain, Canavan, Churchill, Clark, Collins, Craven, Cressey, Crosby, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Eberle, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley B, Hanley S, Harlow,

Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Mills, Moody, Norton, Nutting, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Saviello, Schatz, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Webster, Woodbury, Mr. Speaker.

NAY - Austin, Bierman, Bishop, Brown R, Browne W, Campbell, Carr, Cebra, Clough, Crosthwaite, Curley, Duprey, Eder, Finch, Fitts, Hall, Hamper, Hotham, Kaelin, Lansley, Lindell, McCormick, Millett, Moore G, Moulton, Muse, Nass, Ott, Paradis, Plummer, Rector, Robinson, Rosen, Sampson, Seavey, Sherman, Shields, Stedman, Sykes, Watson.

ABSENT - Brannigan, Bryant-Deschenes, Curtis, Dunn, Greeley, Lewin, Smith N, Walcott, Wheeler.

Yes, 102; No, 40; Absent, 9; Excused, 0.

102 having voted in the affirmative and 40 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices" (S.P. 233) (L.D. 696)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

BLANCHARD of Old Town
SAMPSON of Auburn
HARLOW of Portland
McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)** on same Bill.

Signed:

Representatives:

BARSTOW of Gorham
MUSE of Fryeburg
SCHATZ of Blue Hill

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

READ.

Representative MCFADDEN of Dennysville 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: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative **MUSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak to the Minority Report on this bill. What this bill would do is

allow small municipalities to publish legal notices in whatever is the most convenient magazine or flyer for their area.

Although it seems like a minor bill, it would be very important to these areas because as the situation exists now, these small municipalities are required to publish notice both in major newspapers, which are rarely read in their areas or not circulated at all, and in a local paper to ensure that people actually read the notice and come to the meetings. So, they incur a double fee. Although this may not seem a big matter to large cities and municipalities it is a big fiscal matter for small towns and our rural constituency. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to urge support of the Majority **Ought Not to Pass** Report on LD 696. I will say that this bill was the subject of a lengthy public hearing and debate during the work session and committee.

The primary issue raised by municipalities was the cost of placing legal notices in the daily newspapers, particularly those municipalities that do not have a large readership of a daily newspaper in their town. The issue raised by the opponents of the bill was an equally valid one and I must say it was well presented, ensuring that legal notices are run in publications that will be read by citizens and that it will be guaranteed to be published and delivered in a timely manner. Unfortunately, as written and as amended in the Minority Report the bill would have allowed any supermarket shopper, the kind that are filled with adds or in abundance next to the entrance of the local supermarket, to publish legal notices.

I remind you men and women of the House, that legal notices are important to our citizens and they deserve better treatment. Including municipal record keeping and, most importantly, a system of archiving.

The issue of cost of placing ads in daily newspapers was still of concern to the committee and so in response, as part of the work session process, each of the seven daily newspapers agreed in writing that beginning on April 1, 2005 they would reduce ad rates for municipalities in which the readership of the paper is 30% or less or by 50% in most cases. That way, municipalities can afford to advertise both in the newspaper of general circulation and in their local free paper or publication. The 10 member Majority of the committee felt that this was a fair resolution of this issue and the newspapers were warned that if they failed to live up to these agreements they would have to answer to the committee of jurisdiction. I urge your support of the prevailing motion **Ought Not to Pass**.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I represent four rural towns and we have two free newspapers that have ads in them. We put all our notices in these two newspapers and the people in these rural towns, including Representative Muse, very well read them. I urge the voters, when we take this vote, to vote **Ought Not to Pass** as written. Thank you.

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. 83

YEA - Adams, Ash, Babbidge, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Crosthwaite, Cummings, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn,

Duplessie, Eberle, Eder, Emery, Faircloth, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hutton, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lundeen, Makas, Marraché, Mazurek, McCormick, McFadden, McKenney, Miller, Moody, Moulton, Norton, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Richardson D, Richardson E, Richardson W, Rines, Rosen, Sampson, Seavey, Shields, Smith W, Tardy, Trahan, Twomey, Valentino, Vaughan, Webster, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Bierman, Bowles, Brown R, Browne W, Ceбра, Clough, Cressey, Crosby, Curley, Daigle, Dugay, Duprey, Edgecomb, Farrington, Finch, Fitts, Fletcher, Hall, Hamper, Hanley B, Hogan, Hotham, Jackson, Jacobsen, Lansley, Lewin, Lindell, Marean, Marley, McKane, McLeod, Merrill, Millett, Mills, Moore G, Muse, Nass, Nutting, Paradis, Pilon, Pinkham, Plummer, Rector, Richardson M, Robinson, Saviello, Schatz, Sherman, Smith N, Stedman, Sykes, Thomas, Thompson, Tuttle, Watson.

ABSENT - Brannigan, Bryant-Deschenes, Collins, Curtis, Greeley, Walcott, Wheeler.

Yes, 85; No, 59; Absent, 7; Excused, 0.

85 having voted in the affirmative and 59 voted in the negative, with 7 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Encourage Cooperation between School Districts"

(H.P. 328) (L.D. 443)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth
FINCH of Fairfield
NORTON of Bangor
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
CAIN of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

EDGECOMB of Caribou
STEDMAN of Hartland
LANSLEY of Sabattus
MERRILL of Appleton

READ.

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative BOWEN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to oppose the pending motion. This is my bill and I will go through a little background and tell you what I am trying to achieve here. This bill comes out of the work that we did last year on something called the Regionalization and Community Cooperation Select Committee, which was created in the last legislature and on

which I served with several members of this body on both sides. That committee was created to find ways to get our schools, our towns, our counties, our state to work together to cut costs.

We hear a lot of talk about the cost of local government. We hear a lot of talk about the cost of all these school districts. This committee was created to find some solutions. The solution that we found was we created something called the intergovernmental advisory group which the Representative from Gorham, Representative Barstow now chairs and is operating as we speak, getting state officials, county officials, municipal officials around a table together to talk about ways to cut duplication of services and save money. The problem is that that is an enormous job.

As Representative Barstow testified before this committee, looking at this bill, they don't have time once they are looking at county municipal governments to also look at schools, which is an enormous piece of work on its own.

What this bill would do is create an intergovernmental advisory group; a mirror image of what we all created last session, but for schools only, to deal with school related issues. It comes largely out of the failure of the other piece of work the Regionalization Committee had last year, which was the Governor's proposal to merge school districts. Many of you heard about that. You heard that it failed here in the Legislature. There was a tremendous amount of resistance and there still is some resistance to actually merging school districts and doing those kinds of things. Instead what I propose we create is an intergovernmental advisory group with representatives from the principals, the superintendents, the school boards, parents, and teachers, to sit around a table and find ways to share ideas about how to save money.

How can we improve student performance? I don't know about you but my school district is struggling to balance its budget, to find ways to save money. It is talking about cutting athletics. It is talking about cutting art programs. They need ideas and what this body would do is figure out a way for us to share the good work that is being done in school districts across this state.

We know from our work on the committee last year that school districts are doing great things. They are working together to save money on fuel. They are sharing special ed staff to cut down on costs. They are sharing food service people. Those ideas need to get out where people can see them. That's all that this bill is supposed to do. It doesn't mandate, it doesn't regulate. It has no regulatory power at all. All it can do is advise. It gives advice. It produces a report that says here are some good ideas for you to look at. It is powerless in any other way. That is important because there is a sense out there, and some of you are being told, that this interferes with schools. That it interferes with collective bargaining. That it interferes with the implementation of EPS. It does none of that. It doesn't have the power to do those things. In fact, it was supported by the Maine School Superintendents Association, the Principals Association, and the Maine School Management Association. There was no one who spoke in opposition to this bill. The unions had concern that it could influence collective bargaining agreements, but they realized it's an advisory body. It can't have any impact on an agreed to contract; it can't legally have that kind of power. There was no opposition to this bill in committee; no one testifying against this bill.

All this body does is recommend, suggest, and share ideas. What we are doing is building a table for people to sit around and who want to figure out how to make our schools more effective. Even with the failure last session of the merger bill we still have a huge problem. School costs are going up 7% a year while our

enrollment is going down. That is unsustainable. We have to find a solution. The top down solutions that were floating around here last session - to merge school districts, to fire superintendents, to make larger and larger schools - those don't wash in this state. So, the in between step is that we create a body like this, that gets around a table and shares ideas. I think that's the only way that we are going to be able to save money and get schools to operate more effectively. That is all that this organization does, this group. It doesn't have any regulatory power. It can't tell districts what to do. It can't tell unions what to do. It can't tell state government what to do. It has members from all those bodies working together. I hope you can support the bill. It is not what I am hearing some of you are being told it is. I would encourage you, if you're worried about how your school is going to balance the budget under the new EPS formula and all the other burdens we have got coming forward, they need this tool to help them share ideas and learn from each other about how to do the best thing for our kids. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to add to this fine testimony that you just heard that the amendment to the Minority Report changes the amount of cost of this proposal from \$2000 to \$3000 because they underestimated the cost of the legislative members of the committee, but we are talking about a \$3000 investment in a program that could save thousands of dollars in local school systems. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have heard some testimony on this bill. I guess my biggest objection is that I think this idea is a little bit ahead of itself. It is a little bit premature.

Next year is the first year that our school districts have to deal with the EPS funding formula and a lot of superintendents and administrators in those districts are kind of panicked over how they are going to do things anyway. I think having a group looking over their shoulder at what they are doing or trying to tell them how to do their job before they have had a chance to try it themselves is premature. We do have some districts in the state that are doing this. In fact, we had some testimony from a few districts that came in and told us ways they were trying to, as they called it, regionalize and reduce their expenses. I think we owe them the courtesy of allowing them to operate under EPS for a year at least before we try to do this. It is my feeling that this advisory group would be trying to tell these administrators how to do their job and to me that is the ultimate interference with local control again.

I also had a problem with the advisory group and with legislators being paid to be on this group. Of course one of the problems was the cost, but another problem was the turnover of the membership. I thought we would be reinventing the wheel every year or two. I also have some concern about section three of this bill, which does interfere with the collective bargaining process that school districts have to engage in, particularly in the area of employee health insurance and employee benefits. I think probably they do as well on their costs for those items now as can be expected. I urge your support in Ought Not to Pass because I think we need to give our locals a little time to see what they can do on their own. Thank you.

The SPEAKER: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative **MERRILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to urge you to defeat the pending motion. I am on the Minority; I sit on the Education Committee. This is a good bill.

This bill, with all do respect to my seatmate and Chair of the committee, does not interfere with collective bargaining. I think if it interfered with collective bargaining, the union would have been in direct opposition and, as Representative Bowen correctly stated, they were not. I ask you, if anyone has this bill at their desk, to take a look at section three. Section three simply asks this group to take a look at costs that are going up very quickly in all of our school districts. These costs include liability and other insurance related costs, fuel costs, maintenance costs, and yes, health insurance costs. As to the point that my seatmate just made that this would constitute an interference with collective bargaining, it can't. It just simply can't, but I think anytime we can get a group of interested people together who really care about our schools - and I think that is an accurate description of the group that this bill proposed to put together - are not interested in interfering with collective bargaining rights, they are interested in trying to figure out how we can keep and retain our teachers and provide the best education for our children.

Representative Bowen mentioned that this is a bill that is looking at improving things and making recommendations from the bottom up and it certainly does. This is who would sit on this commission: members from the legislature, it would have the Commissioner of Education, it would have the director the State Planning Office, but it would also have members representing the school boards across the state, it would have members representing the superintendents and it would have members representing the principles, but most importantly, it has representation from teachers and it has representation by members of the public. Finally, and this is obviously very important to me, I have been very vocal in support of doing everything we can possibly do to hold on to our small schools, it includes a member who is a parent of a student in a small school, which is defined as being a school with fewer than 300 students.

I have been very vocal in opposing forced consolidation. I have earned that reputation and have actively sought that reputation. This bill isn't after any kind of forced consolidation. This bill is looking for ways that we can do this voluntarily. Representative Bowen, I just want to keep repeating some of the things you said, I thought you said it very well. This builds a table and, I think, puts the right people around it. It does nothing to interfere with EPS.

I would like to hear from people who sit on the Intergovernmental Advisory Commission that is currently up and running and looking at county reform and municipal reform. I don't think that we are hearing from the counties or municipalities that they think that the members of the IAG are interfering with their processes and what they are doing in county and municipal government to achieve efficiencies. Thank you and I hope that you will join me in opposing the pending motion.

Representative **STEDMAN** of Hartland **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: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the bill. This is a good bill.

Last year, I participated in a Leiber Foundation sponsored workshop at the University of Maine at Machias and I don't

believe this bill is ahead of its time because we are actually looking at the possibility of consolidation and the issues that we would face loosing some of our small schools, like those in my district.

We lost over \$7 million in school funding this year in Washington County alone. That might not sound like a lot to some of the other school districts in the state but it is to us and so this workshop – it was sponsored by the Leiber Foundation and held at the University of Maine at Machias – was designed for the purpose of community consensus building. The project was headed up by Dr. Michael Kimball from the University of Maine at Machias and led by David Fairman of the Cambridge based Consensus Building Institute and Harvard University's Weather Head Center for International Affairs.

The effort of the group focused on three areas. These three areas were land use, coastal access, and government and education. The group identified local problems in these areas and then developed consensus solutions in each of these areas.

In the area of education, the study group focused on the idea of cooperating with other school districts to work together to find ways to share cost as an alternative to urban solutions of consolidation. I think this bill has come at the right time based on what has happened to our education funding and I am in support of the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to speak briefly in support of Representatives Bowen and Merrill and Emery and Stedman in their comments.

One of the schools that I represent is working very carefully with another school nearby on similar efforts that this action of Representative Bowens would only augment. They are sharing their school superintendent. I don't think that this bill is ahead of its time. I think it is very timely as Representative Emery said, this bill will only augment and only encourage people to do similar good work. I don't believe it's heavy handed. It's just a very encouraging effort and does nothing but create collaboration. Thank you.

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.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to say very briefly that I have been contacted by a number of educators in my district and they are very much in favor and support this particular bill.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too would like to support the report as amended and speak against the Ought Not to Pass Motion on the floor. I think this is a natural mechanism and a necessary one to respond to three messages that we here in Augusta have been sending over the last year to the folks back home in terms of local school governance and local school priorities and spending.

We have on one hand, through the mechanism a year ago that was debated here and defeated, sent a message that we think bigger is better; that we ought to, in effect, move more aggressively toward school consolidation, even if it costs us money to do so.

I think we said very clearly in our debate last year and our defeat of that motion that we don't know better and that bigger is not always better. In LD 1 we sent the message that we can deliver property tax relief and if you think we have done so listen to what you have been hearing at the local budget meetings. Listen, and look forward too, the message you will be hearing this summer and fall when local property taxes come out and the bills reflect an increase rather than a decrease for many of our constituent districts.

We cannot deliver from here in Augusta on local spending decisions even though we may pretend that we can. I think further, that the EPS model that is the heart and sole of LD 1 is one that actually discourages construct consolidation already taken and once again preaches the notions that, "Bigger is better." and that "We know best."

I would close by saying that approach taken here turns back to the local level where dialogue can be much more focused, more practical, and more reasonable and localized in its intent. I remind you one more time that we are really talking efficiency here. We are talking better use of scarce resources in terms of an enrollment decline that is dramatic and immediately on the horizon for many of our school systems.

We have created here in the last few sessions and now made operational a group called the Office of Program Evaluation and Government Accountability i.e. OPEGA, which has adopted three criteria to define and guide it's work as they look at programs going forward. Those criteria are the infamous three E's: economy, efficiency, and effectiveness. I think this falls right in line with the focus we have given our own entity and localizes the discussion where it ought to be happening and I encourage your opposition to the pending motion.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not try to reiterate the many erudite comments that have been made today. Nonetheless, I would like to add to the mix for your consideration the fact that I have been contacted by members of small school systems and towns where I served as school superintendent in various locations throughout Maine.

I happen to represent one of the towns with of the largest school systems. Nonetheless, I would like to add to the mix here in a reaffirmation of the erudite comments of Representative Millett, Representatives Emery, Flood and Merrill.

Small is great for Maine and the tenets that are endorsed in this measure are those that can do a wonderful service for the children of our state and I encourage that we support Representative Bowen's initiatives here.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have no wish to prolong this debate but I have to say frankly that I was really hoping to hear from other members of the committee who were on the Ought Not to Pass. I, frankly, am baffled as to why anyone does not want to support this measure. Our Chief Executive has been saying for well over a year now that we need to be looking at economies of scale, we need to be looking at ways to regionalize and we need to be looking at ways to achieve efficiencies. We have heard from legislative leadership on both sides of the aisle that we agree with the Chief Executive and we know those things need to be done. We have got local towns, local communities and local school districts who are struggling to do things on their own. I really do not understand why we would not all want to encourage those efforts. Not direct them, not tell

them what they have to do, but encourage them to get together and study these issues. I really would like to hear from people on the Ought Not to Pass. I need a better understanding of why this is not a good idea.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Goldman.

Representative **GOLDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree this is a good idea and I think that it is one of the things that our committee had a conversation about during our work session on the bill, but we also raised some questions that weren't so easily answered. We also asked people to go back and come back at some point with a more refined version of the bill. I think at the bottom of this, and speaking for myself, I am concerned because this is also adding to the Commissioner's multitude of roles that she is now playing. It is asking her to expand on what she has already explained to us. There are a number of regional cooperative groups that are meeting and it seemed at the time a reasonable thing to give both the sponsors of the bill more time to refine it and the Commissioner more time to work with the groups that she was working with.

I think that this is one of those issues, speaking for myself, that is not an issue of being against the purposes of the bill, it was simply that during work session there were too many unanswered questions and that it would be wise to give the sponsors of the bill a chance to improve on their thinking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a clarification, the department did not testify against this bill. No one did. Thank you.

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. 84

YEA - Adams, Ash, Babbidge, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Finch, Gerzofsky, Goldman, Grose, Harlow, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Mazurek, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Pilon, Pineau, Pingree, Piotti, Richardson E, Sampson, Smith N, Smith W, Thompson, Tuttle, Valentino, Watson, Webster, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Daigle, Dugay, Dunn, Duprey, Edgecomb, Emery, Farrington, Fischer, Fisher, Fitts, Flood, Glynn, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Perry, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Brannigan, Bryant-Deschenes, Curtis, Fletcher, Greeley, Marley, Percy, Walcott, Wheeler.

Yes, 54; No, 88; Absent, 9; Excused, 0.

54 having voted in the affirmative and 88 voted in the negative, with 9 being absent, and accordingly Majority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-147) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 3, 2005.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)** on Bill "An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations"

(H.P. 160) (L.D. 209)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

JACKSON of Fort Kent

HALL of Holden

HUTTON of Bowdoinham

DUPREY of Hampden

TUTTLE of Sanford

HAMPER of Oxford

CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

DRISCOLL of Westbrook

CRESSEY of Cornish

READ.

On motion of Representative SMITH of Van Buren, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

On motion of Representative CRESSEY of Cornish the House **RECONSIDER** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The same Representative **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: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative **CRESSEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask each of you to vote against the pending motion on the floor for the following reasons. First of all, I believe that if we were to pass this for a certain few groups, known as non-profits, who wish to solicit those who are retiring, I believe this would violate the confidentiality of retirees and current members. Also, the Maine State Retirement System could possibly lose its non-profit status should some of these lists be sold to others, thereby generating a profit and thus violating non-profit statutes.

This list would be shared with political organizations and others who wish to make a profit. The list can be sold to other organizations. This violates the philosophy of those of us who believe in opt-in philosophy.

If you read the amendment that is attached to this bill this amendment allows the home address of a Maine State Retirement System retiree to be disclosed to non-profit or public retiree organizations for recruitment purposes unless the retiree opts-out from authorizing this disclosure on a form provided by the retirement system. We just recognized Valerie a few moments ago here in this chamber and I imagine, to her dismay, when she gets home and starts receiving all this junk mail, the wonderful gift that we have given her I would say we ought not do that and vote no on this bill.

Another reason to vote against this is that consumers just do not want to receive junk mail or spam. Year after year, here in this chamber, we submit bills dealing with these. Why do we want to encourage this practice? Vote no on this bill. If this bill passes it definitely will lead to lawsuits and litigation for right of access for non-profits who want to make a profit to be able to get these lists.

The Maine State Retirement System also may lose trust and respect from its members. We do not want to do that. Finally, why should AARP, the largest retiree group in the country be excluded from this, that is unfair, as well as other organizations who also provide valuable information, resources and other things for retirees. We should not support this bill please vote no.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment, House Amendment 153, which is before you was the result of rather intensive work by the Labor Committee, which was trying to meet the needs of some very valid organizations that needed to get access to a membership list, but also to protect the retirees from being bothered by solicitations. We crafted a bill which will allow the home address of the Maine State Retirement System retiree, until September 15, 2007, can be disclosed to non-profit or public retiree organizations for recruitment purposes only unless the retiree opts-out and says I don't want that to go out.

Beginning September 15, 2007 the information again is confidential unless the retiree opts-in and says that they want the retirement system to deny the information to an organization that obtains the information and that uses the information for other purposes. There is a protection against abuse of this. It is something. There is a need for these retirement organizations to be able to contact people and we have this bill as a result of discussion on the committee and compromise that resulted in a majority report of all but three of the members. I urge you to vote in favor of the Ought to Pass as Amended.

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. 85

YEA - Adams, Babbidge, Barstow, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Daigle, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Miller, Millett, Mills, Moody, Moore G, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Smith N,

Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Beaudette, Berube, Bowles, Browne W, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Davis G, Davis K, Driscoll, Dugay, Fisher, Fitts, Hanley B, Joy, Lewin, Lindell, McKane, McKenney, McLeod, Moulton, Nutting, Ott, Plummer, Rines, Sherman, Shields, Stedman, Thomas, Vaughan.

ABSENT - Brannigan, Bryant-Deschenes, Curtis, Greeley, Jodrey, Kaelin, Lansley, Walcott, Wheeler.

Yes, 104; No, 38; Absent, 9; Excused, 0.

104 having voted in the affirmative and 38 voted in the negative, with 9 being absent, and accordingly, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-153) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 3, 2005.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Require That All Public School Employees Be Paid a Livable Wage Rate"

(H.P. 368) (L.D. 493)

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren

DRISCOLL of Westbrook

HALL of Holden

DUPREY of Hampden

CRESSEY of Cornish

HAMPER of Oxford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)** on same Bill.

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford

CLARK of Millinocket

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Give the Supreme Judicial Court Authority To Decide Contested Elections Results

(H.P. 515) (L.D. 720)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford
 BLANCHETTE of Bangor
 Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-155)** on same RESOLUTION.

Signed:
 Senator:
 PLOWMAN of Penobscot

Representatives:
 OTT of York
 PINKHAM of Lexington Township
 HOTHAM of Dixfield
 MOORE of Standish
 BROWN of South Berwick

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-155)** Report.

READ.

Representative PATRICK of Rumford 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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-166)** on Bill "An Act To Eliminate the State Planning Office"

(H.P. 211) (L.D. 286)

Signed:
 Senator:
 ANDREWS of York

Representatives:
 McFADDEN of Dennysville
 MOULTON of York
 BISHOP of Boothbay
 CROSTHWAITE of Ellsworth
 MUSE of Fryeburg
 SCHATZ of Blue Hill

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

Signed:
 Senators:
 SCHNEIDER of Penobscot
 ROTUNDO of Androscoggin

Representatives:
 BARSTOW of Gorham
 HARLOW of Portland
 SAMPSON of Auburn
 BLANCHARD of Old Town

READ.

Representative BARSTOW of Gorham moved that the House **COMMIT** the Bill and all accompanying papers to the Committee on **NATURAL RESOURCES**.

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. This bill, a bill to eliminate the State Planning Office, came before the State and Local Government Committee. After due and lengthy consideration and participation by members of the public, and with respect to the concerns expressed by the bill's sponsors and others, the committee voted upon a motion to reconsider, first

voted down a motion for Ought Not to Pass and then voted in favor of a motion Ought to Pass as Amended.

The amendment is to eliminate State Planning review of comprehensive plans and growth management ordinances. It was done after consideration of the fact that the director of the State Planning Office, Martha Freeman, came into the committee and said that hers is not a regulatory agency and our committee took her at her word.

The same Representative **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **NATURAL RESOURCES**.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, may I pose a point of order.

The SPEAKER: The Representative may proceed.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my understanding that you have to speak to the motion to recommit and not the merits of the bill, Mr. Speaker.

The SPEAKER: The Representative is correct. The pending question before the House is motion to commit. The issues related to the discussion have to be to the merits of whether to commit or not. The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Under Rule 310, Subsection 2 of the Joint Rules and also 310, Subsection 4, it is up to the committee of jurisdiction, in this case the State and Local Government Committee to determine whether or not a bill comes back to the floor in a redraft. This bill comes to the floor as amended and there has been a request that there be a rehearing on the bill as amended, to which I have no objection, but also would encourage those parties that wish to continue State Planning Office review and those that don't and as such, Mr. Speaker, and specifically to the point, that it should be the province of the committee of jurisdiction, that is State and Local Government Committee to rehear the bill. Therefore, Mr. Speaker, I rise in opposition to this motion, wishes that it be recommitted to the State and Local Government Committee where it can get a fair hearing. Mr. Speaker, Ladies and Gentlemen of the House, I encourage you to vote against this motion.

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. This bill came to us and, as you can see with the title, having jurisdiction in our committee over the State Planning Office as a whole, it was correctly before us. I must now explain to my colleagues here that we are not privy to the conversations in the committee that this bill in its amended version has been drastically changed, the amendment dealing strictly with comprehensive planning. This is something that rightly and justly should go before the Natural Resources Committee. Further, this will have a new public hearing on this new language, which is completely different from the original bill.

With all due respect to my perspective and my opinion, the original bill was a negative way to get at a problem, which we have been talking about in our committee and on this floor, as the Chair of my committee, over and over again. That is, the diversity and the lack of economic opportunity and fairness to rural areas versus urban areas. We are working to try and bridge

those gaps. This bill in its original form was not the answer. It is now amended and is completely different and deals just with comprehensive planning. I would reiterate to you, Ladies and Gentlemen, this is something that needs to go to Natural Resources where they have the expertise. They will have a fair hearing. They will have a fair discussion in their work session and the peoples voice will be heard. I would encourage my colleagues to support this motion to commit this to Natural Resources and put the bill where it belongs. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I suppose the Chair of Natural Resources Committee ought to weigh in on this.

When the original bill changed with the amendment it began very clearly, to migrate into the jurisdiction of the Natural Resources Committee. That jurisdiction is very clearly delineated in the *Legislator's Handbook* and if anyone is further interested they can look at Title 38, Chapter 187. I do appreciate the Representative from York, Representative Moulton's, generous offer to reduce the workload of the Natural Resources Committee, particularly at this time of session, shifting some of the responsibility to the very capable State and Local Government might be a relief to some of us, but because land use has a very close relationship to environmental protection, I am afraid we have to very respectfully decline the well intentioned offer. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, may I pose a point of parliamentary inquiry?

The SPEAKER: The Representative may proceed.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill, as it now stands before the body has, I believe, not been amended. The State and Local Government Committee has recommended in its report on the amendment that by committing this to Natural Resources, what we are actually doing is committing the original legislative document to our committee and it will be up to us to consider whether to amend it as State and Local has suggested.

The SPEAKER: To the Representative and the remaining members of the body. This is a motion to commit the bill and *all* its accompanying papers to the Natural Resources Committee, thereby giving Natural Resources the ability to look at everything currently before the State and Local and what is now on the House floor. The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With great respect for the Representative from Gorham, Representative Barstow, I would like to quote his phrase that the essential parts of this bill have to do with comprehensive planning. In fact, comprehensive planning falls under theegis of the eponymous named State Planning Office and as such this bill deserves to stay under theegis of the State and Local Government Committee. Thank you very much Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is motion to Commit LD 286 and all of its accompanying papers to Natural Resources. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 86

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings,

Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Watson, Webster, Woodbury, Mr. Speaker.

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

ABSENT - Browne W, Bryant-Deschenes, Curtis, Greeley, Walcott, Wheeler.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **NATURAL RESOURCES** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right

(H.P. 279) (L.D. 377)

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

BARSTOW of Gorham

BLANCHARD of Old Town

SCHATZ of Blue Hill

SAMPSON of Auburn

HARLOW of Portland

McFADDEN of Dennysville

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

Signed:

Senators:

ROTUNDO of Androscoggin

ANDREWS of York

Representatives:

MOULTON of York

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

MUSE of Fryeburg

READ.

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative BARSTOW of Gorham to **ACCEPT the Majority Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County
(H.P. 325) (L.D. 440)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

BARSTOW of Gorham
MOULTON of York
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-151)** on same RESOLUTION.

Signed:

Representatives:

McFADDEN of Dennysville
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
MUSE of Fryeburg
SCHATZ of Blue Hill

READ.

On motion of Representative BARSTOW of Gorham, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Nine Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle"

(H.P. 401) (L.D. 525)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

SAMPSON of Auburn
THOMAS of Ripley
HOGAN of Old Orchard Beach
FISHER of Brewer
BROWNE of Vassalboro
MAZUREK of Rockland

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-164)** on same Bill.

Signed:

Representatives:

McKENNEY of Cumberland
COLLINS of Wells
MARLEY of Portland

One Member of the same Committee reports in Report "C" **Ought to Pass** on same Bill.

Signed:

Representative:

PARADIS of Frenchville

READ.

Representative MCKENNEY of Cumberland moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended.**

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "B" **Ought to Pass as Amended** 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:

(H.P. 262) (L.D. 349) Bill "An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 95) (L.D. 119) Bill "An Act To Promote Math and Science Education Learning Kindergarten to Grade 12" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

(H.P. 150) (L.D. 199) Bill "An Act To Support and Expand Regional Teacher Development Centers" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-205)**

(H.P. 169) (L.D. 230) Bill "An Act To Authorize the Public Advocate To Represent Consumers in Federal Regulation of Railroads" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)**

(H.P. 200) (L.D. 261) Bill "An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 215) (L.D. 290) Bill "An Act To Amend the Laws Governing Mobile Service Bars on Maine Golf Courses" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-208)**

(H.P. 232) (L.D. 308) Bill "An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)**

(H.P. 290) (L.D. 388) Bill "An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-207)**

(H.P. 291) (L.D. 389) Bill "An Act To Amend the Waldoboro Utility District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)**

(H.P. 300) (L.D. 397) Bill "An Act To Promote the More Efficient Use of Natural Gas" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-185)**

(H.P. 323) (L.D. 438) Resolve, To Improve Access to Emergency Services in State Parks and in the Maine Wildlife Park Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 353) (L.D. 478) Bill "An Act To Cap Tuition Rates by Schools in the Unorganized Territory" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 361) (L.D. 486) Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3 Years (EMERGENCY) Committee on

AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-178)

(H.P. 418) (L.D. 563) Bill "An Act To End Discrimination against Persons with Pulmonary Disabilities in Northern and Eastern Maine" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

(H.P. 453) (L.D. 620) Bill "An Act To Clarify the Liquor Enforcement Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

(H.P. 578) (L.D. 813) Bill "An Act To Make Technical Changes in Laws Relating to Conservation" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

(H.P. 603) (L.D. 852) Resolve, To Require the State To Clean Up Toothaker Pond in Phillips Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 615) (L.D. 864) Bill "An Act To Streamline Sewer District and Sanitary District Borrowing" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)**

(H.P. 619) (L.D. 868) Bill "An Act To Ensure Equity in Funding" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 640) (L.D. 921) Bill "An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)**

(H.P. 692) (L.D. 982) Bill "An Act To Revise the Charter of the Kennebunk Sewer District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)**

(H.P. 754) (L.D. 1101) Bill "An Act To Designate Pay Phone Locations in the Public Interest" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 869) (L.D. 1272) Bill "An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

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. 101) (L.D. 339) Bill "An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds"

(S.P. 149) (L.D. 462) Bill "An Act To Make the 3rd Violation of OUI a Class C Crime" (C. "A" S-77)

(S.P. 196) (L.D. 587) Bill "An Act To Make Changes to the Banking Laws" (C. "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" (C. "A" S-79)

(H.P. 187) (L.D. 248) Bill "An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor"

(H.P. 93) (L.D. 117) Bill "An Act To Amend Provisions of the Maine Land Use Regulation Commission Law" (C. "A" H-156)

(H.P. 170) (L.D. 231) Bill "An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment" (C. "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" (C. "A" H-135)

(H.P. 214) (L.D. 289) Bill "An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements" (C. "A" H-139)

(H.P. 235) (L.D. 311) Bill "An Act To Prohibit Steering in Automobile Insurance" (C. "A" H-136)

(H.P. 252) (L.D. 329) Bill "An Act Concerning Recognition of Qualified Political Parties" (C. "A" H-161)

(H.P. 268) (L.D. 355) Bill "An Act To Amend the Mexico Water District Charter" (C. "A" H-140)

(H.P. 337) (L.D. 459) Bill "An Act To Amend the Mexico Sewer District Charter" (C. "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" (C. "A" H-133)

(H.P. 420) (L.D. 565) Bill "An Act To Amend the Law Regarding Fishing Derbies" (C. "A" H-137)

(H.P. 422) (L.D. 589) Bill "An Act To Strengthen Ethical Standards Regarding Former Legislators" (C. "A" H-134)

(H.P. 479) (L.D. 659) Bill "An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated" (C. "A" H-158)

(H.P. 492) (L.D. 672) Bill "An Act To Promote Ornamental Horticulture by Amending the Definition of 'Commercial Agricultural Production'" (C. "A" H-174)

(H.P. 511) (L.D. 716) Bill "An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries" (C. "A" H-176)

(H.P. 522) (L.D. 727) Bill "An Act To Amend the Knox County Budget Process" (C. "A" H-148)

(H.P. 574) (L.D. 809) Bill "An Act To Facilitate Testimony in Workers' Compensation Proceedings" (C. "A" H-146)

(H.P. 595) (L.D. 836) Bill "An Act To Amend the Laws Governing Aquaculture" (C. "A" H-159)

(H.P. 611) (L.D. 860) Bill "An Act To Efficiently Use Funds of the Public Utilities Commission" (EMERGENCY) (C. "A" H-141)

(H.P. 673) (L.D. 963) Bill "An Act To Set Standards for Electronic Methods Used for Wage Payment" (C. "A" H-160)

(H.P. 688) (L.D. 978) Bill "An Act To Allow State Employees To Participate in a Deferred Retirement Option Program" (C. "A" H-145)

(H.P. 696) (L.D. 1012) Bill "An Act To Improve Security at State Courthouses" (C. "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" (C. "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" (C. "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) (C. "A" H-172)

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

BILLS IN THE SECOND READING

House

Bill "An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects" (H.P. 835) (L.D. 1217)

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)

House as Amended

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

Bill "An Act To Protect Household Pets and Other Small Animals from Poisoning" (H.P. 432) (L.D. 599) (C. "A" H-162)

Bill "An Act To Allow Park Passes To Be Used at Scarborough Beach State Park" (H.P. 568) (L.D. 803) (C. "A" H-167)

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

Resolve, Requiring the Secretary of State To Develop Voting Systems Standards (EMERGENCY) (H.P. 76) (L.D. 100) (C. "A" H-129)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative PATRICK of Rumford, was **SET ASIDE.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-129)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-170)** to **Committee Amendment "A" (H-129)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. House Amendment "A" (H-170) is just a simple, friendly amendment which changes the date from May to June 1st and gives the Secretary of State and the stakeholders 30 days to do what they have to do. Thank you.

Subsequently, **House Amendment "A" (H-170)** to **Committee Amendment "A" (H-129)** was **ADOPTED.**

Committee Amendment "A" (H-129) as Amended by **House Amendment "A" (H-170)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-129)** as Amended by

House Amendment "A" (H-170) thereto and sent for concurrence.

ENACTORS

Emergency Measure

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 **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. 138 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 Promote Access to Transportation for Seniors (S.P. 16) (L.D. 36)

An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs (H.P. 49) (L.D. 53) (C. "A" H-119)

An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness (H.P. 261) (L.D. 348) (C. "A" H-120)

An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members (H.P. 362) (L.D. 487) (C. "A" H-122)

An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime (H.P. 577) (L.D. 812) (C. "A" H-121)

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

An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners (H.P. 22) (L.D. 19) (C. "A" H-116)

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

On motion of Representative TARDY of Newport, 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. 87

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Cain, Campbell, Canavan, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn,

Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lindell, Makas, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, Merrill, Miller, Mills, Moody, Moore G, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Rines, Sampson, Saviello, Schatz, Seavey, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bowles, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Daigle, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lundeen, Marean, McFadden, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Berube, Browne W, Bryant-Deschenes, Burns, Curtis, Greeley, Hall, Sherman, Trahan, Walcott, Wheeler.

Yes, 89; No, 51; Absent, 11; Excused, 0.

89 having voted in the affirmative and 51 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**.

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

SENATE PAPERS

The following Joint Order: (S.P. 587)

ORDERED, the House concurring, that when the House stands adjourn it does so until Tuesday, May 3, 2005, at 9:00 in the morning and the Senate do so until Tuesday, May 3, 2005, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Establish Harbor Master Standards and Training Requirements"

(S.P. 584) (L.D. 1603)

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

On motion of Representative **KAELIN** of Winterport, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Establish the Uniform Partnership Act"

(S.P. 591) (L.D. 1609)

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

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

Bill "An Act To Restructure the Unfunded Liability of the Maine State Retirement System"

(S.P. 585) (L.D. 1604)

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

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

Bill "An Act Regarding Voter Registration Cards"

(S.P. 583) (L.D. 1602)

Resolve, To Establish a Study Commission To Study Methods To Improve Ballot Access (EMERGENCY)

(S.P. 590) (L.D. 1608)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act To Reform the Income Tax for Middle-income and Lower-income Families"

(S.P. 586) (L.D. 1605)

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

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

The following Joint Resolution: (S.P. 588)

JOINT RESOLUTION RECOGNIZING BATES COLLEGE ON ITS 150TH ANNIVERSARY

WHEREAS, 150 years ago, education leaders in Maine, including Oren B. Cheney, a former member of the Maine Legislature, saw a great, unmet need in the State: to broaden the educational opportunities for young men and women through the founding of a new institution of higher learning; and

WHEREAS, citizens of 49 Maine towns, from Biddeford and Portland in the south to Corinna in the north, from Parsonsfield in the west to Brooks in the east, then petitioned the Maine Legislature, requesting that the Legislature incorporate and endow a "Literary Institution . . . of a high order, on a broad basis, and centrally located"; and

WHEREAS, the Maine Legislature on March 16, 1855 granted a charter and financial support for this new school, at first called the Maine State Seminary, to be located in Lewiston, a choice of location that respected the guidance and support of Alonzo Garcelon, member of the Maine Legislature and leading citizen of that city, who, it is written, "had his heart set on it coming to the city"; and

WHEREAS, Oren B. Cheney and his fellow founders of this school sought to create a college with egalitarian ideals, in keeping with and reflecting the spirit of fairness, independence, hard work and good will of the State of Maine; and

WHEREAS, the Maine State Seminary became Bates College in 1864, its new name honoring the philanthropy of Benjamin E. Bates, an industrialist and early developer of Lewiston manufacturing, who believed in the power of education to benefit the economic and social well; and

WHEREAS, the motto of Bates College is the Latin phrase *Amore ac Studio*, "with ardor and devotion," which complements the spirit evoked by the State of Maine motto, *Dirigo*, "I lead," admirable qualities embodied by Bates College graduates who have served the public good of our State and our nation, epitomized by the late Edmund S. Muskie of the Class of 1936, Maine governor, United States Senator, United States Secretary of State and son of Maine; and

WHEREAS, the founders of Bates College were ahead of their time with a belief in coeducation and "a woman's God-given freedom to do anything for which she has the ability," and the first female Bates College graduate in 1869, Mary Wheelwright Mitchell of Dover-Foxcroft, worked in the mills to pay for college yet once politely turned down a scholarship from Maine's

governor, requesting that the scholarship be provided to someone more needy than herself; and

WHEREAS, Bates College has stood throughout its history for the pursuit of social justice and equality, broadly defined, reflecting the beliefs of its founders, who were fervent abolitionists. Bates College graduates have linked education with service, leadership and obligations beyond themselves, qualities embodied in alumni such as the renowned civil rights leader Benjamin E. Mays, who graduated in 1920, served as president of Morehouse College and was the teacher and mentor of the Reverend Martin Luther King, Jr.; and

WHEREAS, many thousands of Bates College graduates, in the fields of business, law, science, medicine, education and the arts and in other fields, exercise these qualities of leadership, citizenship and collaborative spirit, helping to sustain and better the communities, careers and endeavors in which they strive; and

WHEREAS, the first class to graduate from Bates College comprised 8 students, all native-born Mainers; today the college enrolls 1,700 students who represent 48 states, the District of Columbia and 72 countries around the world and with great pride continues to enroll more than 150 students each year from the State of Maine; and

WHEREAS, Bates College celebrates its presence in Lewiston and Auburn, communities that help to inspire the academic lives of both students and professors. Through Bates College programs that integrate service into the intellectual life of the college and bring campus and community closer together, service-learning students give more than 40,000 hours of service annually to 120 community agencies, schools and institutions; and

WHEREAS, Bates College students and faculty rejoice in the college's location in the beautiful State of Maine, and they explore from the coast to the mountains through academic and extracurricular programs, from kayaking trips along the Maine coast for geology courses and research at Bates-Morse Mountain Conservation Area in Phippsburg to annual orientation trips for new students that introduce each incoming class to the splendor and joy to be found in Maine's environment; and

WHEREAS, Bates College is today a national college of the liberal arts and sciences that prizes the inherent values of a demanding education and the profound usefulness of learning and understanding and is committed to academic rigor and ensuring in all its efforts the dignity of the individual and, by means of scholarship aid, access to its programs and opportunities by qualified learners; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, join in recognizing Bates College upon its 150th anniversary and for its unswerving commitment to providing an education in the liberal arts and sciences, recognizing their critical role in a just and civil society; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and the Chair of the Board of Trustees of Bates College.

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

READ and **ADOPTED** in concurrence.

On motion of Representative BLANCHETTE of Bangor, the House adjourned at 12:46 p.m., until 9:00 a.m., Tuesday, May 3, 2005 pursuant to the Joint Order (S.P. 587) and in honor and lasting tribute to Charles Howard, of Bangor.

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