

# 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  
11th Legislative Day  
Thursday, May 5, 2005

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

Prayer by Reverend Doctor Curt Lovelace, Acton-Milton Mills Baptist Church.

National Anthem by Piscataquis Middle School Band and Chorus, Guilford.

Pledge of Allegiance.

The Journal of Tuesday, May 3, 2005 was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Restore Funding for the Reading Recovery Program"

(H.P. 1138) (L.D. 1615)

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on May 3, 2005.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 187)

**STATE OF MAINE**

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

April 28, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1172 An Act To Expunge Criminal Records upon Pardon

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Patricia A. Blanchette

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 188)

**STATE OF MAINE**

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

May 2, 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. 285 An Act To Prohibit Convicted Sex Offenders from Establishing Residency in Certain Municipalities

L.D. 554 An Act To Strengthen Probation Requirements for Convicted Sex Offenders

L.D. 702 An Act To Increase Sentences of Imprisonment for Repeat Sex Offenders

L.D. 872 An Act To Extend Registration for Violent Sex Offenders

L.D. 919 An Act Amending Public Notification Laws for Sex Offenders Living Near Schools and Day-care Centers

L.D. 1195 An Act To Protect Women and Children from Sexual Predators by Requiring the State Bureau of Identification to Distribute Registrant Information to Town Clerks

L.D. 1321 An Act To Establish a Process for the Civil Commitment of Certain Sexual Offenders

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. 189)

**STATE OF MAINE**

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

May 2, 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. 1469 An Act To Create the Maine Merit Scholarship Program

L.D. 1527 Resolve, To Allow School Administrative District 16 To Sell a School in Anticipation of Closure

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. 190)

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

April 28, 2005

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

State House  
Augusta, Maine 04333

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

L.D. 924 An Act To Require That the Name and Address of an Owner of a Limited Liability Company Be in the Articles of Organization

L.D. 932 An Act To Clearly Identify Maine Corporations

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 191)

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

April 28, 2005

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

State House  
Augusta, Maine 04333

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

L.D. 1025 An Act To Expedite the Divorce Process in Instances of Domestic Violence

L.D. 1245 Resolve, To Increase Safety for Domestic Abuse Victims

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 192)

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

May 2, 2005

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 517 An Act To Require Legislative Oversight of Certain Agency and Administrative Rules

L.D. 1459 An Act Concerning Payment for Repairs on Private Ways

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 193)

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

May 3, 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. 951 An Act To Amend Adjustments to Transportation Costs under the School Funding Formula

L.D. 1031 RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Funding of Local Schools

L.D. 1130 An Act To Allow a State Champion Cross-country Running Team To Participate in New England Competitions

L.D. 1175 An Act Concerning Diplomas and Students with Disabilities

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.**

---

Doctor of the day, Rebecca Chagrasulis, M.D., Casco.

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The Following Communication: (H.C. 194)

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

May 2, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1353 An Act To Allow Certain School Employees To Collect Unemployment

L.D. 1398 An Act To Align Federal and State Child Labor Laws

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

Sincerely,

S/Sen. Ethan Strimling  
Senate Chair

S/Rep. William J. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 195)

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

April 28, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 381 An Act To Enhance the Safe Disposal of Household Hazardous Waste

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

Sincerely,

S/Sen. Scott W. Cowger  
Senate Chair

S/Rep. Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 196)

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

May 2, 2005

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

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":  
L.D. 1489 An Act To Establish Citizen Ownership of Maine's Groundwater

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

Sincerely,

S/Sen. Scott W. Cowger  
Senate Chair

S/Rep. Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 197)

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

May 2, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1218 Resolve, Directing the Department of Environmental Protection To Coordinate Regulation of Activities in Sand and Gravel Pits

L.D. 1428 An Act To Modernize Regulation of Sand and Gravel Pits

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

Sincerely,

S/Sen. Scott W. Cowger  
Senate Chair

S/Rep. Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 198)

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

April 28, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 789 An Act Pertaining to Internet Services

L.D. 1028 An Act To Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers

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

Sincerely,  
S/Sen. Philip L. Bartlett II  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 199)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

May 2, 2005

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 312 An Act To Create a Manufacturing Energy Policy for Maine  
L.D. 327 An Act To Implement Energy Conservation Standards for Affordable Housing  
L.D. 711 An Act To Improve the Energy Efficiency of Buildings To Be Owned or Occupied by the State  
L.D. 824 An Act To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy  
L.D. 913 An Act To Promote Green Power Use at State Buildings

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

Sincerely,  
S/Sen. Philip L. Bartlett II  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 185)

**EXECUTIVE DEPARTMENT  
STATE PLANNING OFFICE  
38 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 28, 2005

Hon. John Richardson  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Richardson:

Pursuant to a Resolve to Implement the Recommendations of the Commission to Study Poverty among Working Parents with Regard to an Annual Report Card on Poverty I am pleased to submit the enclosed 2005 Report Card on Poverty in Maine to you.

I hope you will find the information contained therein of use to you. If you have questions or would like further information, please feel free to contact Joyce Benson at this office. (tel. 287-1461 or e-mail joyce.benson@maine.gov). The document may

also be found on our website at  
[http://www.state.me.us/spo/economics/economics/pubsreports.p  
hp.](http://www.state.me.us/spo/economics/economics/pubsreports.php)

Sincerely,  
S/Martha Freeman  
Director

**READ and with accompanying papers ORDERED PLACED  
ON FILE.**

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The Following Communication: (S.P. 597)

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

April 28, 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 withdrawn the nomination from April 14, 2005, of Mr. Charles O'Leary for appointment to the Board of Trustees, University of Maine 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.  
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 **EDUCATION AND CULTURAL AFFAIRS**.

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

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The Following Communication: (S.P. 598)

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

April 28, 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 Charles O'Leary of Orono for appointment as a member of the Board of Trustees, University of Maine System. Pursuant to P&SL 1865, c. 532, 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.

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The Following Communication: (S.C. 227)

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

May 3, 2005

Honorable John Richardson  
Speaker of the House  
2 State House Station

Augusta, ME 04333-0002

Dear Speaker Richardson:

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

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Terrance M. Harrigan of Bangor for appointment to the Loring Development Authority of Maine.

Upon the recommendation of the Committee on Transportation, the nomination of Lucien B. Gosselin of Lewiston for reappointment to the Maine Turnpike Authority.

Sincerely,  
S/Joy J. O'Brien

Secretary of the Senate

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Register Canadian Pharmacies To Provide Safe Reimportation of Prescription Drugs"

(H.P. 1165) (L.D. 1651)

Sponsored by Representative DRISCOLL of Westbrook.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BURNS of Berwick, CAMPBELL of Newfield, JACKSON of Fort Kent, MILLER of Somerville, PARADIS of Frenchville, PINEAU of Jay, PINGREE of North Haven, WEBSTER of Freeport.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Amend the Laws Governing Crimes against People Who Are Homeless" (EMERGENCY)

(H.P. 1170) (L.D. 1659)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: ADAMS of Portland, CRAVEN of Lewiston, DUNN of Bangor, FAIRCLOTH of Bangor, Senators: President EDMONDS of Cumberland, GAGNON of Kennebec, PERRY of Penobscot, ROTUNDO of Androscoggin.

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

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Amend the Maximum Allowable Tuition for Students"

(H.P. 1163) (L.D. 1649)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: CUMMINGS of Portland, DUPLESSIE of Westbrook, FISCHER of Presque Isle, MOODY of Manchester, PINEAU of Jay, Speaker RICHARDSON of Brunswick.

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

Bill "An Act To Retain Maine's Theater Teachers" (EMERGENCY)

(H.P. 1167) (L.D. 1656)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator WOODCOCK of Franklin and Representatives: ADAMS of Portland, BOWEN of Rockport, CAIN of Orono, MUSE of Fryeburg, PERCY of Phippsburg, SAMPSON of Auburn, WEBSTER of Freeport, Senator: DAMON of Hancock.

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

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**INLAND FISHERIES AND WILDLIFE**

Resolve, Directing the Department of Inland Fisheries and Wildlife To Coordinate and Facilitate Salmon and Brook Trout Habitat Restoration Efforts

(H.P. 1161) (L.D. 1648)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, CEBRA of Naples, KOFFMAN of Bar Harbor, RICHARDSON of Carmel, WATSON of Bath, Senators: DOW of Lincoln, MARTIN of Aroostook, MAYO of Sagadahoc.

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

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**JUDICIARY**

Bill "An Act Regarding Buildings on Leased Lots"

(H.P. 1162) (L.D. 1646)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, PARADIS of Frenchville, PINEAU of Jay, Speaker RICHARDSON of Brunswick, SHERMAN of Hodgdon, WHEELER of Kittery, Senators: President EDMONDS of Cumberland, STRIMLING of Cumberland.

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

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**LABOR**

Bill "An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment"

(H.P. 1166) (L.D. 1652)

Sponsored by Representative DUCHESNE of Hudson.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, DUPLESSIE of Westbrook, HUTTON of Bowdoinham.

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

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Bill "An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides"  
(H.P. 1168) (L.D. 1657)

Sponsored by Representative PERCY of Phippsburg.  
Cosponsored by Senator DAMON of Hancock.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **MARINE RESOURCES** suggested.

On motion of Representative PERCY of Phippsburg, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

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**TAXATION**

Bill "An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants"  
(H.P. 1159) (L.D. 1647)

Sponsored by Representative DUDLEY of Portland.  
Cosponsored by Senator PERRY of Penobscot and Representatives: BOWLES of Sanford, CLOUGH of Scarborough, HUTTON of Bowdoinham, KOFFMAN of Bar Harbor, Speaker RICHARDSON of Brunswick, WATSON of Bath, Senators: President EDMONDS of Cumberland, MILLS of Somerset.

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

Bill "An Act To Reduce Income Taxes and Encourage Economic Growth in Maine"

(H.P. 1171) (L.D. 1660)

Sponsored by Representative WOODBURY of Yarmouth. (GOVERNOR'S BILL)  
Cosponsored by Senator PERRY of Penobscot.

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Bill "An Act To Provide Property Tax Relief by Requiring the State To Maintain and Repair All Bridges in Maine"

(H.P. 1164) (L.D. 1650)

Sponsored by Representative THOMAS of Ripley.  
Cosponsored by Senator PLOWMAN of Penobscot and Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, EMERY of Cutler, FLOOD of Winthrop, JOY of Crystal, LEWIN of Eliot, RICHARDSON of Carmel, VAUGHAN of Durham.

Committee on **TAXATION** suggested.

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

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**UTILITIES AND ENERGY**

Bill "An Act To Expand the Powers of the Stonington Sanitary District" (EMERGENCY)

(H.P. 1169) (L.D. 1658)

Sponsored by Representative PINGREE of North Haven.  
Cosponsored by Senator DAMON of Hancock and Senator: STRIMLING of Cumberland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**ORDERS**

On motion of Representative CUMMINGS of Portland, the following Joint Resolution: (H.P. 1160) (Cosponsored by Representatives: ADAMS of Portland, ASH of Belfast, BABBIDGE of Kennebunk, BEAUDETTE of Biddeford, BERUBE of Lisbon, BLANCHARD of Old Town, BRYANT of Windham, CAIN of Orono, CANAVAN of Waterville, CARR of Lincoln, CLARK of Millinocket, CROSBY of Topsham, DRISCOLL of Westbrook, DUCHESNE of Hudson, FARRINGTON of Gorham, FLETCHER of Winslow, GLYNN of South Portland, GROSE of Woolwich, HANLEY of Gardiner, HARLOW of Portland, HUTTON of Bowdoinham, JENNINGS of Leeds, MAKAS of Lewiston, MARRACHÉ of Waterville, MAZUREK of Rockland, MERRILL of Appleton, O'BRIEN of Lewiston, PARADIS of Frenchville, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PINEAU of Jay, Speaker RICHARDSON of Brunswick, SCHATZ of Blue Hill, SMITH of Monmouth, STEDMAN of Hartland, THOMPSON of China, TUTTLE of Sanford, WATSON of Bath, Senators: President EDMONDS of Cumberland, MAYO of Sagadahoc, RAYE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO AVOID SOLE-SOURCED SHIPBUILDING**

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

WHEREAS, the State of Maine has a long shipbuilding tradition, going back to colonial times when our vast forests supplied timber to build ships in shipyards large and small along the 3,500-mile-long coast; and

WHEREAS, Maine is still home to Bath Iron Works, a major shipbuilder of this Nation, a major employer of our State that has a century-long tradition of building the best ships in the world; and

WHEREAS, our Nation has an equally long tradition of encouraging competition among businesses to ensure efficiency, equality, cost-containment and fair play; and

WHEREAS, federal officials have recently indicated that government contracts to build ships may be sole-sourced, or given to one shipyard only, in effect ending competitive bidding among shipbuilders in this country; and

WHEREAS, sole-sourced production creates unfair monopolies that hurt the taxpayers of this Nation by not allowing the best price and best shipyard to do the work; and

WHEREAS, our national security depends on having the most effective military in the world, and United States Navy effectiveness requires having a superior fleet, a fleet that needs to be built with the highest quality and at the best cost; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Congress of the United States to disavow sole-sourcing of shipbuilding contracts and to encourage competitive bidding among the qualified shipyards of the Nation; and be it further

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

**READ.**



The SPEAKER: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Twenty-five years ago, when I played sports for Morse High School against other teams in the Kennebec Valley, I have to admit that it was a great verbal disadvantage to be labeled the Shipbuilders. However, I can say with all seriousness that every time we drove by that sign that said, "Through These Gates Pass the Greatest Shipbuilders in the World," we believed it and I know the region believes it. I think we know the disadvantages that we learned in WWII for having sole positioning of any military installation. I think we understand the economic benefits and I think we certainly understand the pride that we have in our shipbuilding abilities and it is, in my mind, the greatest in the world.

I want to thank the many, many sponsors on both sides of the aisle. Literally dozens and dozens of sponsors who came forward to support this resolution, telling congress that we are pleased with a budget that does not have sole sourcing of shipbuilding and that we continue to push for that to avoid any such decision. Thank you.

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

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On motion of Representative SHERMAN of Hodgdon, the following Joint Order: (H.P. 1172) (Cosponsored by Representatives: CHURCHILL of Washburn, COLLINS of Wells, LEWIN of Eliot, RICHARDSON of Greenville, TARDY of Newport, TRAHAN of Waldoboro, Senators: HASTINGS of Oxford, RAYE of Washington)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs, referred to in this order as "the committee," shall, as part of its monthly meeting authorized by the Maine Revised Statutes, Title 3, section 522, study methods to address the unfunded actuarial liability of the Maine State Retirement System and to provide alternatives to the retirement plans offered by the Maine State Retirement System for newly hired employees who would qualify for participation under the plans offered for teachers, state employees, Legislators, judges or members of a participating local district.

1. **Duties.** In the course of its study, the committee shall:

- A. Explore strategies to address and pay down the unfunded liability of the Maine State Retirement System;
- B. Determine methods to avoid any future unfunded liability of the Maine State Retirement System; and
- C. Assess alternative or companion retirement plan options for employees who would otherwise qualify for participation under the plans offered for teachers, state employees, Legislators, judges or members of a participating local district under the Maine State Retirement System.

2. **Invited participants.** In undertaking the study, the committee shall invite the participation of the State Budget Officer, representatives of the Maine State Retirement System, the Treasurer of State, the State Controller and other interested participants selected by the committee.

3. **Report.** No later than January 15, 2006, the committee shall submit legislation related to its study to the Second Regular Session of the 122nd Legislature.

4. **Extension.** If the committee requires a limited extension of time to complete its study and submit its legislation, it may apply to the Legislative Council, which may grant an extension.

**READ.**

Representative DUPLESSIE of Westbrook moved that the Joint Order be **TABLED** pending **PASSAGE**.

Representative SHERMAN of Hodgdon **REQUESTED** a roll call on the motion to **TABLE** the Joint Order pending **PASSAGE**.

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 to Table the Joint Order pending Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 94**

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bowles, 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, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marraché, Mazurek, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Barstow, Bliss, Curley, Fletcher, Jodrey, Lerman, Lewin, Marley, Merrill, Miller, Moore G, Smith W.

Yes, 73; No, 66; Absent, 12; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, with 12 being absent, and accordingly the Joint Order was **TABLED** pending **PASSAGE** and later today assigned.

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On motion of Representative VAUGHAN of Durham, the following House Order: (H.O. 34)

WHEREAS, it appears to the House of Representatives of the 122nd Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is now before the 122nd Legislature for its consideration House Paper 285, Legislative Document 383, "An Act To Ban Government Conflict of Interest in Elections"; and

WHEREAS, Legislative Document 383 attempts to address activities that would violate the Constitution of Maine, Article III, such as executive branch employees' actively campaigning for candidates or ballot measures that would have a direct effect on the agencies by which they are employed and executive branch departments' unduly influencing the legislative branch with regard to legislative proposals that would directly affect those executive branch departments; and

WHEREAS, it is important that the Legislature be informed as to the questions raised in this order; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the

House of Representatives their opinion on the following questions of law.

Question No. 1. Does the endorsement or direct support of a legislative candidate by an executive branch employee for the purpose of benefiting the department by which the employee is employed violate the Constitution of Maine, Article III, Section 2?

Question No. 2. Does action taken by an executive branch employee to influence a Legislator to bring forward or support legislation that directly benefits that employee's department, excluding legislation proposed by the department itself properly before the Legislature, violate the Constitution of Maine, Article III, Section 2 or the Laws of the State of Maine?

Question No. 3. Is it a violation of the Constitution of Maine or the Laws of the State of Maine if an executive branch employee is elected to the Legislature and represents the interests of the department by which that employee is employed?

Question No. 4. Is it a violation of the Constitution of Maine or the Laws of the State of Maine if a person who occupies a position elected by the Legislature is prohibited from publicly participating in a campaign or endorsing a candidate or if a person who is employed by the Legislature is prohibited from publicly participating in a campaign?

**READ.**

On motion of Representative DUPLESSIE of Westbrook, the House Order was **TABLED** pending **PASSAGE** and later today assigned.

---

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 35)

**ORDERED**, that Representative Darlene J. Curley of Scarborough be excused Thursday, April 14th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Philip A. Curtis of Madison be excused Thursday, April 28th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Benjamin F. Dudley of Portland be excused Tuesday, April 12th and Wednesday, April 13th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Robert W. Duplessie of Westbrook be excused Thursday, April 14th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Jane E. Eberle of South Portland be excused Thursday, April 14th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Randy E. Hotham of Dixfield be excused Thursday, April 14th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lawrence E. Jacobsen of Waterboro be excused Tuesday, April 26th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Sarah O. Lewin of Eliot be excused Tuesday, April 12th, Wednesday, April 13th and Thursday, April 14th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lisa T. Marraché of Waterville be excused Monday, April 4th, Tuesday, April 12th and Wednesday, April 13th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Roberta M. Muse of Fryeburg be excused Tuesday, April 12th, Wednesday, April 13th and Thursday, April 14th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Thursday, April 14th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Anne C. Perry of Calais be excused Monday, April 4th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Richard M. Sykes of Harrison be excused Thursday, April 14th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Linda M. Valentino of Saco be excused Thursday, April 14th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Walter A. Wheeler, Sr. of Kittery be excused Tuesday, April 26th and Thursday, April 28th for personal reasons.

**READ and PASSED.**

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#### **REPORTS OF COMMITTEE**

##### **Change of Committee**

Representative PINGREE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Maine Foster and Adoptive Parents"

(H.P. 761) (L.D. 1108)

Reporting that it be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES.** Sent for concurrence.

---

Representative PATRICK from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit Corporate Influence Over the Political Process"

(H.P. 1052) (L.D. 1495)

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

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

---

##### **Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds

(S.P. 282) (L.D. 843)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

NUTTING of Oakland

CURLEY of Scarborough

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford

BOWEN of Rockport

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

On motion of Representative BRANNIGAN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Provide Funds for the Preservation of Digital Records" (S.P. 360) (L.D. 1043)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

NASS of York

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

MILLETT of Waterford

BOWEN of Rockport

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

Signed:

Representatives:

NUTTING of Oakland

CURLEY of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Monday, May 9, 2005.

---

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve the Quality of Kindergarten Education in Maine" (S.P. 305) (L.D. 897)

Signed:

Senators:

MITCHELL of Kennebec

SCHNEIDER of Penobscot

TURNER of Cumberland

Representatives:

DAVIS of Falmouth

FINCH of Fairfield

EDGECOMB of Caribou

NORTON of Bangor

GOLDMAN of Cape Elizabeth

STEDMAN of Hartland

LANSLEY of Sabattus

CAIN of Orono

MERRILL of Appleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on same Bill.

Signed:

Representative:

MAKAS of Lewiston

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

On motion of Representative NORTON of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require Health Insurers and Health Maintenance Organizations To Issue Uniform Prescription Drug Benefit Cards" (S.P. 296) (L.D. 888)

Signed:

Senators:

SULLIVAN of York

MILLS of Somerset

Representatives:

PERRY of Calais

McKANE of Newcastle

BRAUTIGAM of Falmouth

LINDELL of Frankfort

PILON of Saco

VAUGHAN of Durham

GLYNN of South Portland

RICHARDSON of Warren

MARRACHÉ of Waterville

HARLOW of Portland

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

Signed:

Senator:

MAYO of Sagadahoc

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

On motion of Representative PERRY of Calais, 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 Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land" (S.P. 175) (L.D. 567)

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham

McFADDEN of Dennysville

MOULTON of York

HARLOW of Portland

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

SAMPSON of Auburn

BLANCHARD of Old Town

MUSE of Fryeburg

SCHATZ of Blue Hill

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

Signed:

Senator:

ANDREWS of York

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

On motion of Representative CROSTHWAITE of Ellsworth, 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 to Pass as Amended by Committee Amendment "A" (S-102)** on Bill "An Act To Amend the Laws Governing the Community Preservation Advisory Committee"

(S.P. 184) (L.D. 575)

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

ANDREWS of York

Representatives:

McFADDEN of Dennysville

MOULTON of York

HARLOW of Portland

BISHOP of Boothbay

SAMPSON of Auburn

BARSTOW of Gorham

BLANCHARD of Old Town

MUSE of Fryeburg

SCHATZ of Blue Hill

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

Signed:

Representative:

CROSTHWAITE of Ellsworth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-102).**

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-102)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

---

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)** on Bill "An Act To Require a Surcharge on Probate Documents"

(S.P. 472) (L.D. 1374)

Signed:

Senators:

SCHNEIDER of Penobscot

ANDREWS of York

Representatives:

McFADDEN of Dennysville

HARLOW of Portland

MOULTON of York

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

SAMPSON of Auburn

BARSTOW of Gorham

BLANCHARD of Old Town

MUSE of Fryeburg

SCHATZ of Blue Hill

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

Signed:

Senator:

ROTUNDO of Androscoggin

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103).**

**READ.**

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

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

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

The SPEAKER: The Representative may pose his question.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am just curious as to how Maine ranks, as the total cost of probate accompanying a last will and testament. I was hoping that maybe a member of the House could enlighten us as to where Maine ranks in the total cost of probating last will and testament in Maine compared to other New England states? Thank you.

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. I have answered my own question and I request a roll call.

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.

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative CROSTHWAITE of Ellsworth to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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The House recessed for the purpose of conducting Welcome Back Day Ceremonies.

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(After Recess)

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The House was called to order by the Speaker.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-103)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require a Surcharge on Probate Documents"

(S.P. 472) (L.D. 1374)

Which was **TABLED** by Representative TUTTLE of Sanford pending the motion of Representative CROSTHWAITE of Ellsworth to **ACCEPT** the Majority Ought to Pass as Amended Report. (Roll Call Ordered)

The **SPEAKER**: A roll call having been previously 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. 95**

**YEA** - Adams, Ash, Babbidge, Beaudette, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Churchill, Clark, Craven, Crosby, Cummings, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Flood, Gerzofsky, Goldman, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jennings, Jodrey, Kaelin, Koffman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Millett, Mills, Moody, Moulton, Nass, Norton, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Smith N, Sykes, Tardy, Thompson, Valentino, Walcott, Watson, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bryant-Deschenes, Carr, Cebra, Clough, Cressey, Curley, Duprey, Eder, Fitts, Fletcher, Hall, Jacobsen, Joy, Lansley, Lindell, McKane, McKenney, McLeod, Pinkham, Richardson M, Richardson W, Shields, Stedman, Thomas, Trahan, Twomey, Vaughan.

**ABSENT** - Barstow, Bliss, Brannigan, Canavan, Collins, Crosthwaite, Daigle, Dugay, Fisher, Glynn, Hutton, Jackson, Lerman, Miller, Moore G, Muse, O'Brien, Percy, Sampson, Sherman, Smith W, Tuttle, Webster, Wheeler.

Yes, 96; No, 31; Absent, 24; Excused, 0.

96 having voted in the affirmative and 31 voted in the negative, with 24 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-103)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel"

(S.P. 235) (L.D. 698)

Signed:

Senators:

DAMON of Hancock

SAVAGE of Knox

Representatives:

MARLEY of Portland

PARADIS of Frenchville

SAMPSON of Auburn

HOGAN of Old Orchard Beach

MAZUREK of Rockland

BROWNE of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)** on same Bill.

Signed:

Representative:

THOMAS of Ripley

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

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-230)** on Bill "An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute"

(H.P. 455) (L.D. 622)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford

NUTTING of Oakland

BOWEN of Rockport

CURLEY of Scarborough

**READ**.

Representative DUDLEY of Portland 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 DUDLEY of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Community Health Centers and Indian Health Centers"

(H.P. 834) (L.D. 1216)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford

NUTTING of Oakland

BOWEN of Rockport

CURLEY of Scarborough

**READ.**

Representative DUDLEY of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative DUDLEY of Portland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

---

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Provide Equity in the State Contribution to County Jail Expenses"

(H.P. 82) (L.D. 106)

Signed:

Senators:

DIAMOND of Cumberland

CLUKEY of Aroostook

NUTTING of Androscoggin

Representatives:

BLANCHETTE of Bangor

GREELEY of Levant

GERZOFISKY of Brunswick

SYKES of Harrison

GROSE of Woolwich

DAVIS of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-223) on same Bill.

Signed:

Representatives:

PLUMMER of Windham

HANLEY of Gardiner

CHURCHILL of Washburn

PARADIS of Frenchville

**READ.**

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

---

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Health Insurance Coverage for Employees of Small Businesses"

(H.P. 87) (L.D. 111)

Signed:

Senators:

SULLIVAN of York

MILLS of Somerset

Representatives:

PERRY of Calais

McKANE of Newcastle

LINDELL of Frankfort

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"** (H-213) on same Bill.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

BRAUTIGAM of Falmouth

HARLOW of Portland

**READ.**

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

---

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Insurers To Limit Their Uninsured Motorist Coverage to Persons Listed on the Policy"

(H.P. 98) (L.D. 122)

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** on same Bill.

Signed:

Representatives:

LINDELL of Frankfort

HARLOW of Portland

**READ.**

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

---

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-242) on Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

(H.P. 706) (L.D. 1021)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

DRISCOLL of Westbrook

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford  
CLARK of Millinocket  
Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:  
Senator:  
    SNOWE-MELLO of Androscoggin  
Representatives:  
    HALL of Holden  
    DUPREY of Hampden  
    CRESSEY of Cornish  
    HAMPER of Oxford

**READ.**

On motion of Representative DRISCOLL of Westbrook, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)** on Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

(H.P. 218) (L.D. 293)

Signed:  
Senators:  
    COWGER of Kennebec  
    MARTIN of Aroostook  
Representatives:  
    KOFFMAN of Bar Harbor  
    THOMPSON of China  
    EBERLE of South Portland  
    SAVIELLO of Wilton  
    DUCHESNE of Hudson  
    ROSEN of Bucksport  
    TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-244)** on same Bill.

Signed:  
Senator:  
    SNOWE-MELLO of Androscoggin  
Representatives:  
    JOY of Crystal  
    ANNIS of Dover-Foxcroft  
    DAIGLE of Arundel

**READ.**

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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Nine Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought Not to Pass** on Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds"

(H.P. 123) (L.D. 172)

Signed:  
Senators:  
    DAMON of Hancock  
    DIAMOND of Cumberland

SAVAGE of Knox  
Representatives:  
    FISHER of Brewer  
    SAMPSON of Auburn  
    McKENNEY of Cumberland  
    COLLINS of Wells  
    BROWNE of Vassalboro  
    THOMAS of Ripley

Three Members of the same Committee report in Report "B" **Ought to Pass** on same Bill.

Signed:  
Representatives:  
    PARADIS of Frenchville  
    HOGAN of Old Orchard Beach  
    MAZUREK of Rockland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "A" (H-221)** on same Bill.

Signed:  
Representative:  
    MARLEY of Portland

**READ.**

Representative MARLEY of Portland moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

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

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Majority Report and I do so for a variety of reasons.

I wish that we would take this bill much more seriously than some have taken it and by that I mean that this is a bill of common sense and good conscience. Twenty-three deaths occurred from motorcycle accidents last year. Some had helmets, some didn't. Obviously, with some of these accidents nothing would save them. A suit of armor couldn't save them, but it should be noted that the Department of Human Services says that 36% of all motorcycle accidents results in traumatic head injuries. That's of last year, 36%. Now, that relates to our insurance system, whether it is Maine Care, whether it is private insurance policies or whether it be no insurance at all. We all know how these filter out to the rest of us, to the constituents of the State of Maine. I believe that we do have fiduciary agreement between the constituents of the State of Maine and our position here in the House and that is in regards to safety. We should do everything that we can in regards to safety. If you can vote for a seatbelt law you certainly can vote for a helmet bill.

I should note also, that your neighbors to the north, Canada, they have a helmet law for motorcyclists. They come to our state and they got it right. They got the same set of circumstances and the same set of reasoning that we are dealing with as well.

Also, our neighbors to the south, Massachusetts, they also dealt with that same set of values that we are dealing with to try and determine whether we should have a helmet law or not. They got it right, as well as many other states. I doubt very much that any of us would want our loved ones – daughters, granddaughters, sons and so forth – to get on a bike and go down the road, with the percentages and odds of something happening. It probably would never happen, but if you go down on a bike you have a major problem. Obviously, with a seatbelt they have the enclosure of the car, but with or without a helmet you have the pavement and that's all that you have to deal with and something bad is going to happen. You can put broken bones back together, but you can't put a head back together. So, for this small inconvenience I ask that you support my position of

not supporting this Majority Report and I respectfully ask for the yeas and nays.

The same Representative **R REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **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 Auburn, Representative Sampson.

Representative **SAMPSON**: I am on the opposite side of that report from the good Representative and I just wanted to say that he is right. There were 23 accidents last year – fatalities from motorcycles – 13 of them were wearing helmets and what the statistics showed was that while the helmets do reduce head injuries they do not reduce neck injuries. There is a huge gap of information that we are needing and the day that we had this particular bill in there we were inundated by motorcycle enthusiasts not to take this particular right away from them, to go without a helmet if they so desire.

We know that there is a much bigger pool of people that are riding with helmets. It's a choice of educating them of the needs to protect themselves, but just as the seatbelts have taken a number of years to educate people and to encourage them to wear them I think we are having to do the same thing with helmets and I say let the riders decide. Thank you.

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

#### ROLL CALL NO. 96

**YEA** - Annis, Ash, Austin, Babbidge, Bierman, Bishop, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eberle, Eder, Edgcomb, Emery, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, Ott, Patrick, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Webster, Woodbury.

**NAY** - Adams, Beaudette, Blanchard, Brautigam, Bryant-Deschenes, Cain, Canavan, Craven, Cummings, Dudley, Duplessie, Faircloth, Goldman, Harlow, Hogan, Hutton, Jackson, Jodrey, Koffman, Marley, Marraché, Muse, O'Brien, Paradis, Percy, Perry, Pilon, Rines, Schatz, Thompson, Valentino, Walcott, Watson, Wheeler.

**ABSENT** - Barstow, Berube, Bliss, Brannigan, Fischer, Gerzofsky, Lerman, Miller, Pelletier-Simpson, Smith W, Tuttle, Mr. Speaker.

Yes, 105; No, 34; Absent, 12; Excused, 0.

105 having voted in the affirmative and 34 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Six Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-231)** on Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks"

Signed:

Representatives:

WATSON of Bath  
LUNDEEN of Mars Hill  
WHEELER of Kittery  
CEBRA of Naples  
MOODY of Manchester  
JACKSON of Fort Kent

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

BRYANT of Oxford  
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro  
RICHARDSON of Greenville  
RICHARDSON of Carmel  
BRYANT of Windham

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-231)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 517) (L.D. 1499) Bill "An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 95) (L.D. 275) Bill "An Act To Promote Energy Conservation and a Cleaner Environment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 129) (L.D. 405) Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-100)**

(S.P. 167) (L.D. 541) Bill "An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(S.P. 183) (L.D. 574) Bill "An Act To Amend Provisions of the Submerged Lands Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)**

(S.P. 187) (L.D. 578) Bill "An Act To Amend the Charter of the Portland Public Library" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

(S.P. 335) (L.D. 995) Bill "An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**



(H.P. 111) (L.D. 133) Resolve, To Support Long-term Forest Management and Sound Silviculture Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

(H.P. 407) (L.D. 552) Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride and Chlorhexidine" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-256)**

(H.P. 521) (L.D. 726) Bill "An Act To Require Legislative Review of Any Rules Governing Private Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-246)**

(H.P. 590) (L.D. 831) Bill "An Act To Clarify the Law Relating to Motor Vehicle Repair Posters" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 701) (L.D. 1017) Bill "An Act To Fight Sprawl and Ensure That Public Lands Are Equitably Distributed" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

(H.P. 766) (L.D. 1113) Bill "An Act To Create the Fryeburg Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

(H.P. 791) (L.D. 1148) Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-248)**

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. 81) (L.D. 228) Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

(S.P. 27) (L.D. 85) Bill "An Act To Establish Moxie as Maine's Official Beverage" (C. "A" S-89)

(S.P. 91) (L.D. 271) Bill "An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills" (C. "A" S-87)

(S.P. 108) (L.D. 346) Bill "An Act To Amend Group Insurance Funding Requirements" (C. "A" S-83)

(S.P. 140) (L.D. 416) Bill "An Act To Amend the Laws Regarding Submission of Health Insurance Claims" (C. "A" S-85)

(S.P. 154) (L.D. 528) Bill "An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled" (C. "A" S-95)

(S.P. 260) (L.D. 793) Bill "An Act To Reauthorize Funding for the Lobster Promotion Council" (C. "A" S-86)

(S.P. 308) (L.D. 900) Bill "An Act To Require That Municipal and County Spending Be Tracked and Analyzed by the State Planning Office" (C. "A" S-91)

(S.P. 317) (L.D. 942) Bill "An Act To Prohibit Shooting Wild Turkey Decoys" (C. "A" S-93)

(H.P. 580) (L.D. 821) Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners

(H.P. 877) (L.D. 1280) Resolve, To Name the New Augusta Bridge

(H.P. 1035) (L.D. 1472) Bill "An Act To Amend the Laws Governing the Rural Medical Access Program"

(H.P. 14) (L.D. 9) Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY) (C. "A" H-236)

(H.P. 48) (L.D. 52) Bill "An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their Persons" (C. "A" H-237)

(H.P. 51) (L.D. 55) Bill "An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities" (C. "A" H-238)

(H.P. 117) (L.D. 166) Bill "An Act To Prohibit Firearms in a Courthouse" (EMERGENCY) (C. "A" H-217)

(H.P. 147) (L.D. 196) Bill "An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services" (C. "A" H-239)

(H.P. 178) (L.D. 239) Resolve, To Create a Hospital Program for Young Women with Eating Disorders (C. "A" H-240)

(H.P. 182) (L.D. 243) Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights" (C. "A" H-220)

(H.P. 316) (L.D. 431) Bill "An Act To Grant Limited Reciprocity to Nonresident ATV Users" (C. "A" H-224)

(H.P. 429) (L.D. 596) Bill "An Act To Ensure Insurance Coverage for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery" (C. "A" H-212)

(H.P. 536) (L.D. 759) Bill "An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters" (C. "A" H-225)

(H.P. 543) (L.D. 766) Bill "An Act To Support the New Century Community Program" (C. "A" H-227)

(H.P. 544) (L.D. 767) Bill "An Act To Improve the Affordability of Health Insurance" (C. "A" H-211)

(H.P. 552) (L.D. 775) Bill "An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund" (C. "A" H-228)

(H.P. 565) (L.D. 788) Bill "An Act To Establish Consumer Protections and Regulations for Deferred Deposit Loans" (C. "A" H-241)

(H.P. 573) (L.D. 808) Bill "An Act To Provide Funding for 'Camp To Belong' To Reunite Siblings Separated by Foster Care" (C. "A" H-229)

(H.P. 607) (L.D. 856) Bill "An Act Allowing School Unions To Improve Efficiency" (C. "A" H-234)

(H.P. 623) (L.D. 873) Bill "An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime" (C. "A" H-226)

(H.P. 676) (L.D. 966) Bill "An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules" (C. "A" H-210)

(H.P. 735) (L.D. 1082) Bill "An Act To Prohibit Passing in Designated No-passing Zones" (C. "A" H-209)

(H.P. 749) (L.D. 1096) Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission" (C. "A" H-219)

(H.P. 852) (L.D. 1234) Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources" (C. "A" H-218)

(H.P. 854) (L.D. 1236) Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY) (C. "A" H-232)

(H.P. 901) (L.D. 1304) Bill "An Act Concerning Invasive Species and Water Quality Standards" (C. "A" H-245)

(H.P. 983) (L.D. 1419) Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters" (C. "A" H-233)

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.

An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from State Requirements for Degree-granting Authority

(H.P. 309) (L.D. 424)

(C. "A" H-128)

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.**

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

**BILLS IN THE SECOND READING**

**Senate**

Bill "An Act To Establish and Implement the Maine STEP-UP Program"

(S.P. 374) (L.D. 1057)

**House**

Bill "An Act To Restore Support for HIV and AIDS Treatment and Prevention"

(H.P. 421) (L.D. 588)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget

(H.P. 762) (L.D. 1109)

**House as Amended**

Bill "An Act To Enhance Community Involvement Regarding Methadone Clinics"

(H.P. 24) (L.D. 21)

(C. "A" H-235)

Bill "An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly" (EMERGENCY)

(H.P. 131) (L.D. 180)

(C. "A" H-206)

Bill "An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted"

(H.P. 457) (L.D. 624)

(C. "A" H-216)

Bill "An Act To Assist Families and Children by Increasing Access to the Court System" (EMERGENCY)

(H.P. 890) (L.D. 1293)

(C. "A" H-196)

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

**ENACTORS**

**Acts**

An Act To Amend the Maine Juvenile Code

(H.P. 181) (L.D. 242)

(H. "A" H-125 to C. "A" H-114)

An Act To Allow Retired Firefighters To Retain Their Firefighter License Plates

(H.P. 273) (L.D. 360)

(C. "A" H-131)

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, May 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-144)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations".

(H.P. 585) (L.D. 826)

TABLED - April 26, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - Motion of Representative KOFFMAN of Bar Harbor to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not To Pass** Report.

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

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

**ROLL CALL NO. 97**

**YEA** - Adams, Annis, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bowles, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Moody, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Sampson, Saviello, Schatz, Seavey, Smith N, Tardy, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Austin, Berube, Bierman, Bishop, Bowen, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis K, Dugay, Duprey, Edgecomb, Emery, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, 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, Sherman, Shields, Stedman, Sykes, Thomas, Vaughan.

**ABSENT** - Barstow, Bliss, Fisher, Fitts, Lerman, Miller, Mills, Patrick, Rines, Smith W, Trahan, Tuttle.

Yes, 76; No, 63; Absent, 12; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not To Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-151)** - Committee on **STATE AND LOCAL GOVERNMENT** 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)

TABLED - April 28, 2005 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have a terrible inequity that takes place in this state. It is the lack of proper representation for rural Maine and this bill would go a long way toward correcting that. This bill would also put is in line with the federal government, which has an two Senators per state.

The other day I stood and presented an argument for dividing the state into two states. This would enable us to hold the state together as one state and not have two Maines, three Maines or five Maines. Right now, in this state we have both bodies elected on the basis of population. The House has always been the body of population. The Senate is the body of the land, or the body of geography.

Our Constitution calls for the ability of each body in this legislature to be able to negate the other. Having them both based on elections by population can occur but the will is not usually there. The will of both bodies tends to drift towards Southern Maine.

There was a law case a long time ago in which the judges decided that they would be activists and write law rather than go by the Constitution of the country. It is called Reynolds v. Simms, in which they changed the way that the Senators had to be elected for states.

Ladies and Gentlemen this bill needs to be passed. It needs to go out to the people and let them make the decisions so that we can actually have a balance between rural Maine and Urban Maine. This would give us a slight reduction in the number of Senators and would reduce it down to 32. You would hear arguments that it is impossible to have business taken care of in a body that has an equal number of legislators but that is not correct. Tie votes don't pass. Ladies and Gentlemen we need to pass this, put it in effect and let the people vote it in and then reapportion our body and let the lawsuits begin. It is time to go to Washington and straighten out that action of an activist court back in the 1800s and let us have representation in this body on the basis of population and in the other body on the basis of geography. I urge you to defeat the pending motion and accept the Ought to Pass Report. Mr. Speaker, when the vote is taken I request the yeas and nays. Thank you.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not To Pass** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 98**

YE - Adams, Babbidge, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Collins, Craven, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hall, Harlow, Hogan, Hutton, Koffman, Makas, Marley, Mazurek, Merrill, Moody, Moulton, Norton, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Sampson, Smith N, Tuttle, Twomey, Valentino, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Clark, Clough, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Dugay, Duprey, Edgecomb, Emery, Finch, Fischer, Fitts, Fletcher, Flood, Greeley, Hamper, Hanley B, Hanley S, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moore G, Muse, Nass, Nutting, Paradis, Perry, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan.

ABSENT - Barstow, Bliss, Churchill, Lerman, Miller, Smith W, Webster.

Yes, 60; No, 84; Absent, 7; Excused, 0.

60 having voted in the affirmative and 84 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not To Pass** Report was **NOT ACCEPTED**.

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

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-151)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-190)** - Committee on **TAXATION** on Bill "An Act To Increase the Franchise Tax on Financial Institutions"

(H.P. 351) (L.D. 476)

TABLED - May 3, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion of Representative JACKSON of Fort Kent, **TABLED** pending the motion of Representative WOODBURY of Yarmouth to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

HOUSE DIVIDED REPORT - Report "A" (9) **Ought Not to Pass** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "A" (H-164)** - Report "C" (1) **Ought to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle"

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

TABLED - April 28, 2005 (Till Later Today) by Representative MCKENNEY of Cumberland.

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

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

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

**ROLL CALL NO. 99**

**YEA** - Austin, Blanchette, Brannigan, Brautigam, Bryant, Canavan, Collins, Craven, Dudley, Dunn, Eberle, Eder, Faircloth, Finch, Gerzofsky, Goldman, Grose, Harlow, Koffman, Makas, Marley, McKenney, Moody, Moulton, Nass, O'Brien, Pelletier-Simpson, Percy, Pingree, Piotti, Seavey, Thompson, Walcott, Watson, Webster.

**NAY** - Adams, Annis, Ash, Babbidge, Beaudette, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Burns, Cain, Campbell, Carr, Cebra, Clark, Clough, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Edgcomb, Emery, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Mills, Moore G, Norton, Nutting, Ott, Paradis, Perry, Pilon, Pineau, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Valentino, Vaughan, Wheeler, Woodbury.

**ABSENT** - Barstow, Berube, Blanchard, Bliss, Bryant-Deschenes, Churchill, Lerman, Miller, Muse, Patrick, Smith W, Mr. Speaker.

Yes, 35; No, 104; Absent, 12; Excused, 0.

35 having voted in the affirmative and 104 voted in the negative, with 12 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, Report "A" **Ought Not to Pass** was **ACCEPTED. ORDERED SENT FORTHWITH.**

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

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**SENATE PAPERS**

The following Joint Order: (S.P. 612)

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

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

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

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On motion of Representative CARR of Lincoln, the House adjourned at 12:10 p.m., until 9:00 a.m., Monday, May 9, 2005 pursuant to the Joint Order (S.P. 612) and in honor and lasting tribute to M. Sheila Tenggren, of Lincoln.