

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

July 29, 2005

**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST SPECIAL SESSION  
33rd Legislative Day  
Friday, June 10, 2005

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

Prayer by Reverend Walden C. Chandler, First Baptist Church, St. George.

National Anthem by Cliff Bradshaw, Montville.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 634)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO  
REJECT  
PLANS TO PRIVATIZE SOCIAL SECURITY**

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 United States Congress as follows:

WHEREAS, the Social Security income protections of guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, benefits for families, income replacement for low-income workers and disability and survivor benefits are the backbone of retirement security and family protection in the United States; and

WHEREAS, Social Security provides crucial, often indispensable, income protection for the 47,000,000 individuals, or one of every 6 Americans, receiving benefits; and

WHEREAS, Social Security is the nation's most successful and most important family income protection program, but it has long-term funding needs we should address; and

WHEREAS, some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security by diverting 1/3 or more of workers' payroll tax contributions out of the Social Security trust fund and into private investment accounts; and

WHEREAS, privatization will worsen Social Security's funding needs by draining resources from the trust fund into private accounts, increasing the federal deficit by 2 trillion dollars over the first decade alone and more in the future and putting us in deeper debt to foreign creditors; and

WHEREAS, some officials and members of Congress have suggested the Federal Government will not pay back the money it has taken from the Social Security trust fund over the past 20 years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

WHEREAS, privatizing Social Security will cut guaranteed benefits by 30% for young workers, even for those who do not participate in private accounts, costing them \$152,000 over their retirements, denying them benefits they have earned and imperiling their economic security; and

WHEREAS, cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least 1/2 the income of nearly 2/3 of older Americans' households and lifting more than 11,000,000 seniors out of poverty; and

WHEREAS, cutting guaranteed benefits will disproportionately hurt women and people of color, as they are more likely to rely on Social Security for most of their retirement income, they earn less and are less able to save for retirement

and they are less likely to receive job-based pensions in retirement; and

WHEREAS, diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families, particularly African-Americans, as roughly one in 5 workers dies before retiring and nearly 3 in 10 workers become too disabled to work before reaching retirement age; and

WHEREAS, privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment growth in the federal deficit due to privatization induces the Federal Government to shift greater responsibilities onto states and localities; and

WHEREAS, Congress should not rush through drastic and damaging changes in Social Security that undermine its family income protections but instead should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or dramatically increasing the federal deficit; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully urge and recommend that:

1. Congress first commit to paying back to the Social Security trust fund all of the money it borrowed and spent on other things;

2. Congress carefully study a variety of potential changes to address Social Security's problems while ensuring the program will continue to meet its purpose of providing income protection and economic security for America's families;

3. Any changes adopted by Congress strengthen Social Security's family income protections without slashing guaranteed benefits or increasing the federal deficit; and

4. Congress reject proposals to divert money out of Social Security to fund private accounts; 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 and each Member of the Maine Congressional Delegation.

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

**READ.**

On motion of Representative CUMMINGS of Portland, **TABLED** pending **ADOPTION** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act To Provide an Annual Cost-of-living Adjustment for Persons Receiving Workers' Compensation Benefits for Total Incapacity"

(S.P. 501) (L.D. 1476)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in the House on June 9, 2005.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176)** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

**Non-Concurrent Matter**

Bill "An Act To Prevent Lead Poisoning of Children and Adults"

(H.P. 719) (L.D. 1034)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** in the House on June 8, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "A" (S-358)** thereto in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to let people know that there was an amendment that went by that was put on by the other body that puts a five year sunset on the fee charged to paint manufacturers and I know that some people were concerned and recommended a sunset and it was put on in the other body by a member of the other party. It received a unanimous final vote so I hope that this body will continue to support this bill. This is, again, an excellent step forward to prevent lead poisoning and further education. Thank you Mr. Speaker.

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

**ROLL CALL NO. 301**

**YEA** - Adams, Ash, Babbidge, Barstow, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, McFadden, Miller, Mills, Moody, Norton, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Schatz, Smith N, Thompson, Trahan, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

**ABSENT** - Beaudette, Crosby, Dunn, Greeley, Marraché, Merrill, O'Brien, Ott, Smith W, Tuttle, Watson.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Under suspension of the rules, members were allowed to remove their jackets.

**Non-Concurrent Matter**

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

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)** in the House on June 8, 2005.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

On motion of Representative **PELLETIER-SIMPSON** of Auburn, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.C. 289 )

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

June 9, 2005

To the Honorable Members of the 122nd Maine Legislature:

I am enclosing H.P. 1111, L.D. 1573, "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County," which is being returned without my signature or approval.

I oppose the expansion of casino gambling in Maine. Despite the industry's representations, casino gambling will not improve the aspirations of Maine people or help us to reach our personal goals.

This bill would significantly expand Maine's restrictive casino gambling laws by doubling the number of allowed slot machines statewide. This expansion would come before any slot machines have been placed into operation and before the necessary oversight and regulatory structures have been deployed.

We as a State have yet to test our leadership against the social risks that come with casinos. We also have not yet tested the realities of the market, the promises of investment, or the theories that none will be harmed economically. There are costs of an expansion that we can neither measure nor risk. We owe our children, our future, more than false hope.

Our collective vision for economic development in all counties of Maine is a vision of productive and sustainable growth. It takes hard work. There are no quick fixes. There is no easy money. We should lead with investments in our workforce through training. We should lead with investments in our children through education. We should invest in good paying jobs through research and development. We should invest in our natural and cultural heritage. We should invest in technology and global access.

I am honored to work with tribal leaders as we struggle to define our collective future. I am personally committed to working with the tribal leaders as partners.

With these concerns and commitments, I oppose L.D. 1573, and respectfully urge you to sustain my veto.

Sincerely,  
S/John E. Baldacci  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County" (H.P. 1111) (L.D. 1573)

The SPEAKER: The pending question before the House is 'Shall this bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 302V**

YEA - Annis, Berube, Bierman, Blanchard, Bowles, Brown R, Browne W, Bryant, Campbell, Canavan, Cebra, Churchill, Clark, Craven, Crosby, Davis K, Driscoll, Duchesne, Dugay, Duprey, Edgcomb, Emery, Faircloth, Fischer, Fisher, Fitts, Fletcher, Flood, Grose, Hall, Hanley B, Harlow, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marraché, McCormick, McFadden, McLeod, Miller, Millett, Moore G, Muse, Nass, Nutting, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Sykes, Tardy, Vaughan.

NAY - Adams, Ash, Austin, Babbidge, Barstow, Bishop, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant-Deschenes, Burns, Cain, Carr, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Dudley, Duplessie, Eberle, Eder, Farrington, Finch, Gerzofsky, Glynn, Goldman, Hamper, Hanley S, Hogan, Jodrey, Koffman, Lansley, Lewin, Marley, Mazurek, McKane, McKenney, Merrill, Mills, Moody, Moulton, Norton, Percy, Pilon, Piotti, Plummer, Rector, Richardson D, Richardson E, Seavey, Shields, Smith N, Stedman, Thomas, Thompson, Trahan, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Beaudette, Dunn, Greeley, O'Brien, Ott, Smith W, Tuttle, Watson.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 288)

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

June 9, 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. 1553 An Act To Impose a Gross Receipts Tax on "Big Box" Stores

L.D. 1634 An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property

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.**

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Ensure Maine's Readiness To Respond to Decisions Relative to the Base Realignment and Closure Process" (EMERGENCY)

(H.P. 1195) (L.D. 1689)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BISHOP of Boothbay, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DAVIS of Augusta, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, EDGEComb of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HALL of Holden, HANLEY of Paris, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, LUNDEEN of Mars Hill, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, MCCORMICK of West Gardiner, McFADDEN of Dennysville, McKANE of Newcastle, McKENNEY of Cumberland, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, MOULTON of York, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SMITH of Monmouth, SMITH of Van Buren, STEDMAN of Hartland, TARDY of Newport, THOMAS of Ripley, THOMPSON of China, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of

Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DIAMOND of Cumberland, GAGNON of Kennebec, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, RAYE of Washington, SCHNEIDER of Penobscot, SNOWMELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, WESTON of Waldo.

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

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 40)

**ORDERED**, that Representative Stephen Bowen of Rockport be excused Friday, May 20th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Joan Bryant-Deschenes of Turner be excused Tuesday, May 31st, Wednesday, June 1st, Thursday, June 2nd, Friday, June 3rd and Monday, June 6th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Charles Earl Crosby III of Topsham be excused Wednesday, June 1st and Thursday, June 2nd for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Robert H. Crosthwaite of Ellsworth be excused Friday, June 3rd for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Timothy E. Driscoll of Westbrook be excused Monday, June 6th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Jacqueline A. Lundeen of Mars Hill be excused Monday, June 6th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Gary W. Moore of Standish be excused Friday, June 3rd and Monday, June 6th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative David E. Richardson of Carmel be excused Thursday, June 2nd for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Darren Mastropaolo, of Falmouth, a 2004 graduate of Falmouth High School and winner of numerous sports awards, such as Gatorade State Player of the Year as senior co-captain and being named to Maine's McDonald All-Star Team. He now attends Bucknell University and plays on that school's team, which recently had a victory over Kansas, a top-rated team in the NCAA Tournament. We congratulate Darren on his

achievements and we send him our best wishes on his future endeavors;

(HLS 1177)

Presented by Representative CUMMINGS of Portland. Cosponsored by Senator TURNER of Cumberland, Representative DAVIS of Falmouth, Representative BRAUTIGAM of Falmouth.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**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. It is my honor today to recognize Dave Mastropaolo and Darren Mastropaolo in our gallery. Darren is one of the few players that a small state like Maine has in the NCAA Division I basketball tournament and he has proven himself to be a star. If some of you had seen the game against Kansas you would know that the upset that we were hoping would happen, did happen and Bucknell was able pull over a victory on Kansas. I just want to say that it is an honor to have that kind of athletic ability here in the state, but on top of that his academics and character are top notch and I want to extend my best wishes to Darren and his family. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to also recognize the Mastropaolo family. Three of them were basketball stars at Falmouth High School and are certainly one of the more outstanding athletic families that have ever participated in Falmouth sports. Thank you Mr. Speaker.

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

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**In Memory of:**

the Honorable Edward Ainsworth, of Yarmouth, former member of the Maine House of Representatives from 1983 to 1984. He was dedicated to his community, his country and his church. A veteran of the United States Army, he was a resident of Yarmouth for 55 years and was a member of the American Legion Post and Casco Lodge of Masons for more than 50 years, as well as a member of the Yarmouth Fire Department. He was a dedicated employee at Guy Gannett Newspapers for 40 years and was a respected member of numerous professional organizations, and served terms as President of the Greater Portland Labor Council and Vice-president of Maine AFL-CIO. He organized the annual Memorial Day parade in Yarmouth from 1972 to 2004 and he was the 1993 recipient of the Latchstring Award in Yarmouth, which honored his community service. Mr. Ainsworth was the Welterweight Boxing Champion of Maine in 1939 and he was an accomplished baseball pitcher. He was inducted in 1985 into the Maine Baseball Hall of Fame for his extensive contributions as player, coach and umpire over the years. Mr. Ainsworth served the Episcopal church as a chalice bearer, treasurer, lay reader and Member of the Vestry. He will be greatly missed by his loving family, neighbors and many friends;

(HLS 1184)

Presented by Representative DAVIS of Falmouth.  
Cosponsored by Representative WOODBURY of Yarmouth,  
Senator TURNER of Cumberland, Representative DUPLESSIE  
of Westbrook.

On **OBJECTION** of Representative DAVIS of Falmouth, was  
**REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative  
from Falmouth, Representative Davis.

Representative **DAVIS**: Thank you Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. I first knew Eddy  
Ainsworth when I was coaching baseball and he showed up as  
the umpire. I was told not to argue with him, which I did not do.  
He was a very tough umpire and a good one. Later I served on  
the Greater Portland Labor Council with him. He was into a lot of  
things and he was a labor leader and a leader of his community.  
He had a very colorful past. He was a welterweight boxing  
champion for the State of Maine.

I first met Eddy when I was 23 years old and at one time  
when one of my sons was 15 years old I was at an all star game  
and who was the coach of the Yarmouth team? You guessed it,  
Eddy Ainsworth. He was always glad to see me and he was  
very, very fine man and I would say that he was tough and fair  
and kind. He will certainly be missed and like so many of that  
generation he was an old fashioned Christian gentlemen. I am  
sure that his community and his family and all of us will miss him.  
Thank you.

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

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. I too knew Eddy  
Ainsworth, but being a fire fighter I didn't know him from the  
service, I knew him from his labor organizations. I first met Eddy  
when he was a legislator in the '80s. Eddy served on the Labor  
Committee here at the Legislature. I did know him from the  
Greater Portland Labor Council and many meetings of it that I  
attended. Eddy was a gentleman that didn't ask for much, but  
that gave a lot. He was one of those gentlemen that just do  
things for the community because he felt that it was the right  
thing to do, to be involved with his community. I know that his  
family will miss him and that many, especially in the town of  
Yarmouth, will miss him. I wish to extend my condolences to the  
family. Thank you.

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

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**REPORTS OF COMMITTEE**  
**Committee of Conference**

Report of the Committee of Conference on the disagreeing  
action of the two branches of the Legislature on Bill "An Act To  
Allow Counties a One-year Exemption For Jail Costs from the  
Limitation on County Assessments"

(H.P. 1175) (L.D. 1666)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

BARSTOW of Gorham  
GROSE of Woolwich  
BISHOP of Boothbay

Senators:

SCHNEIDER of Penobscot  
MARTIN of Aroostook  
ANDREWS of York

The Committee of Conference Report was **READ** and  
**ACCEPTED.**

Sent for concurrence.

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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 yesterday, had  
preference in the Orders of the Day and continued with such  
preference until disposed of as provided by House Rule 502.

**SENATE REPORT - Ought to Pass as Amended by  
Committee Amendment "A" (S-348) - Committee on  
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on  
Bill "An Act To Contain Costs, Reduce Paperwork and Streamline  
the Regulatory Process for Maine's Small Businesses"**

(S.P. 443) (L.D. 1263)

**TABLED - June 8, 2005 (Till Later Today) by Representative  
SMITH of Monmouth.**

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-  
348) was READ** by the Clerk.

On motion of Representative SMITH of Monmouth, **House  
Amendment "A" (H-678) to Committee Amendment "A" (S-  
348) was READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-348) as Amended by  
House Amendment "A" (H-678) thereto was ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND  
READING WITHOUT REFERENCE** to the Committee on **Bills in  
the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED  
TO BE ENGROSSED as Amended by Committee Amendment  
"A" (S-348) as Amended by House Amendment "A" (H-678)  
thereto in NON-CONCURRENCE** and sent for concurrence.  
**ORDERED SENT FORTHWITH.**

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Bill "An Act To Make Supplemental Appropriations and  
Allocations for the Expenditures of State Government and To  
Change Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Years Ending  
June 30, 2006 and June 30, 2007" (EMERGENCY)

(H.P. 1186) (L.D. 1677)

**TABLED - June 9, 2005 (Till Later Today) by Representative  
DUPLESSIE of Westbrook.**

**PENDING - ADOPTION OF COMMITTEE AMENDMENT "A"  
(H-673).**

Subsequently, **Committee Amendment "A" (H-673) was  
ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND  
READING WITHOUT REFERENCE** to the Committee on **Bills in  
the Second Reading.**

On motion of Representative EDER of Portland, the House  
**RECONSIDERED** its action whereby **Committee Amendment  
"A" (H-673) was ADOPTED.**

The same Representative **PRESENTED House Amendment  
"A" (H-679) to Committee Amendment "A" (H-673) which was  
READ** by the Clerk.

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

Representative EDER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. House Amendment "A" (H-679) which seeks to strike Part DD from lines 2 to 49 that deals with simple possession of marijuana.

What we are apparently trying to do in this budget is raise revenue by increasing fines for simple possession. The reason that I offer this amendment and the reason that I object to this is that 70% of the people who are sentenced for simple possession in this state are under 25 years of age. What we are doing here is making the fines mandatory and challenging judicial oversight, which, in my opinion, is a policy change. We are making the fines mandatory and are increasing the fines from \$200 to \$400 with judicial discretion to \$400 to \$600. Again, 70% of the people who are busted for simple possession are under the age of 25. What happens when these people are busted and sentenced is that they are now no longer eligible for college loans. What are we saying here? We are saying that we are going to raise revenue to fill the budget gap and we are going to be targeting young people and we are going to be targeting young people under 25 and we are going to deny them the opportunity to potentially attend college. I have a hard time with the fact that this is a way that we are looking at raising revenue because I thought we were all agreed that a college education is the best way for people to achieve higher earnings and it is the light at the end of the tunnel that is going to bring Maine out of this recession that we have been in.

If we are going to target young people and deny them college loans then how are we going to achieve that by blocking people from attending colleges, if we are going to be targeting these young people to raise revenue? Mr. Speaker, Men and Women of the House I offer that this is not the right way to raise revenue and I ask you to just say no to busting young people. Let them be able to get college loans and start on the path to higher earnings rather than creating an incarcerated class. Thank you Mr. Speaker.

Representative BRANNIGAN of Portland moved that the House Amendment "A" (H-679) to Committee Amendment "A" (H-673) be **INDEFINITELY POSTPONED**.

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Appropriations Committee spent a great deal of time on Section DD, we wanted to make sure that we were doing it as best as we could and we are doing it as best as we can I believe. So, we are as comfortable as we can be with our amendment and I hope that you will support the indefinite postponement.

Representative EDER of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-679) to Committee Amendment "A" (H-673).

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 Freeport, Representative Webster.

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

The SPEAKER: The Representative may pose his question.

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am unaware of this amendment or the consequences and I would like to ask through the Chair if someone could explain to me how this

penalty being increased would preclude people from getting college loans? Thank you Mr. Speaker.

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This part of the budget does not change the elements of any offense, civil or criminal. There are already mandatory minimum fines on drug paraphernalia possession, which is a civil offense, and on marijuana possession, a civil offense. There are currently no mandatory minimum fines on all other drug offenses. What Part DD does is to increase somewhat the mandatory minimum fines on civil possession of marijuana and on civil possession of drug paraphernalia and imposes some mandatory minimum fines across the board on drug trafficking to children and a lot of serious drug offenses under Chapter 45 of the criminal code. It does not change or add any new offenses to the criminal code, it simply increases the fines that are already on the books and it raises about \$900,000 a year in revenues, which is booked in other parts of the budget and not dedicated to anything in particular, but is booked and I don't know how this would effect people's aspects for college any differently than the laws that are already on the books do.

The theory is, I suppose that I have no idea how much marijuana or any other drug costs, but if someone can afford to buy a drug and sell it or use it or furnish it to somebody else then they probably have the money to pay a fine or should have. That is the theory and I think that the state has a right to book this revenue. Thank you.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to commend the Representative from Farmington, Representative Mills who did some excellent work on this issue in the Appropriations Committee and I think that it proved something that I was less comfortable with beforehand.

I do want to be on the record that I have heard from a number of my constituents with concerns about this part of the budget and I do want to go on the record and say that I wish there were other ways, but this is what budgets look like when we are in tough times. This is what a difficult decision looks like. This is what cutting looks like. So I will support the motion and the budget, understanding that decisions like these aren't easy.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative GERZOFSKY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an odd topic for me to get up and debate, but it did come through our committee and we found out from the Department of Public Safety that the federal government was going to cut our MDA funds dramatically.

This year we are going to loose close to \$1,000,000. In the course of the next biennium we are going to loose another couple of million dollars and we thought at committee that this was going to be a way of trying to replace some of those funds to get us through the next biennium and through this one. We are not going to have the federal money coming in and this is another example where the federal government, to help their budget, is cutting some of ours. I am going to support our budget on this and vote against this indefinite postponement. Thank you.



The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a little bit disturbed by the current debate. I would like to tell you why. It has always been my understanding that when we impose fines and penalties upon people it is try to deter them from taking part in things that harm our society as a whole. This debate seems to be more about filling a hole and raising fines to fill a hole and for those people on the Criminal Justice Committee and the Judiciary Committee, this should trouble you as well. I don't have any problem raising fines if I think that it reduces the illegal activity out there in our communities, but I certainly don't support raising fines just to raise money to fill a hole so I am going to be supporting this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, may I pose a question through the Chair to the Representative from Portland, Representative Eder?

The SPEAKER: The Representative may pose his question.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The question is that it is my understanding there are no alternatives in this amendment to fill that hole. Does the Representative have an alternative to fill that funding hole and if this was passed it would, I understand, throw the budget out of balance?

The SPEAKER: The Representative from Gorham, Representative Barstow has posed a question through the Chair to the Representative from Portland, Representative Eder. The Chair recognizes that Representative.

Representative **EDER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the question of the Representative from Gorham. The simple answer is that there wasn't enough time to get that together. I would offer that what I was looking into doing was raising the fines for domestic violence to fill this gap that has been created by my amendment. Thank you for the question.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had hoped that it wouldn't come to this. I didn't want to talk about this, but I guess that people need to understand. I am going to urge you to vote to indefinitely postpone this amendment. Criminal Justice and Public Safety discussed this issue very extensively. We were faced with what was almost an emergency in Criminal Justice and Public Safety. The Vern Foundation and the federal government have cut off, as of March, the funding for the Drug Enforcement Agency in the State of Maine. There are 28 officers that go around and are paid under federal grants. I can't give you the exact number of municipal police departments and county sheriffs departments that also supply agents that work under the Maine Drug Enforcement Agency. We have thousands and thousands of miles of coastline in the State of Maine. We're a perfect target for drug importation. Drug importation includes marijuana.

Marijuana use is on the rise amongst our young children and in case anybody has a doubt in their mind, the use of marijuana is illegal. Why are we even considering an amendment that would strip this off our budget and allow people to use an illegal substance? This isn't beer, this isn't wine, this isn't cigarettes, that, Lord knows, this Legislature has done a job on taxing and taxing. But, cigarettes are legal and marijuana is not. There is a difference and you know that if somebody can afford to go and

buy, sell, distribute, process and grow marijuana they can certainly afford the increase in the fines. Let's follow the federal government. They said it is illegal. Maine voted a long time ago to legalize marijuana. The chief justice tells us that the federal prosecutors will prosecute. The 121st Legislature chose not to take any action to enforce the vote that was taken in '97 that legalized marijuana in the State of Maine. It is still a federal offense to use, possess, smoke and grow marijuana on this scale so let's defeat this amendment. We have so many important things ahead of us. Protecting lawbreakers should not be a top priority for us. I urge you to follow my light and kill this thing. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My previous comments were premature and I will tell you why. This is why it is difficult to speak on issues that are before another committee. My concern is for my constituents and the illegal use of drugs in my community, but I understand now from some discussions with people on the committee that if we don't support killing this amendment what will happen is that those folks out in our communities enforcing drug laws will have to be cut and that means less drug enforcement in my community. I apologize for my previous comments. They were uninformed and I guess that I will be supporting the indefinite postponement for that reason, for the protection of my community. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Very quickly, what I would like to tell you about is the fact that we have had this discussion in Appropriations for many, many days and weeks concerning exactly what the Representative from Waldoboro just commented on, which is that these increases in fines are specifically meant to go towards restoring funding for juvenile drug court judges and for MDEA agents who had been cut due to some reductions in federal funding so this is what that money is going to go toward. So, a vote in support of this amendment and against indefinite postponement means that you don't want MDEA agents on the ground, that you don't want juvenile drug courts to be effective. I think that the people who break the law should be the ones who help pay for the enforcement of our laws and I think that it is a perfectly reasonable thing and a perfectly reasonable connection and I hope that you will vote to indefinitely postpone this amendment. Thank you.

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I strenuously object to the assertion that increasing fines on marijuana smokers is a justification that this money is properly used to fund the drug enforcement agencies. Drug enforcement agencies are concerned with far more serious crimes than pot smoking. What we are talking about is oxy-codone, we are talking about methamphetamine, we are talking about cocaine and we are talking about heroine. Those are the dangerous drugs that the Maine DEA is and ought to be pursuing. If you want to increase taxes to pay for that service than increase taxes on heroine use, cocaine use and methamphetamine use. Why go after the pot smokers who, frankly, are an underclass in our society and a sometimes hidden part of our society that is unwilling to come out of the closet and protect their interests from time to time.

Why are we picking on this group that tends to be younger people that tend to be less politically active people in order to

fund a drug enforcement agency that is rightfully protecting our communities against the heroine, the illegal oxy-codone, the methamphetamine and far more dangerous drugs?

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have a district where a lot of people would be affected by a lot of these things that you are talking about and when we look at the problem of enforcing the laws that we have to prevent drugs from getting into our schools and particularly into our college classrooms and into our college recreational activity.

I would just like to speak to a couple of things. First, to answer the question of the good Representative from Freeport, it is the policy of the federal government, of the State of Maine and of most people who give student loans that if you have any type of criminal record you are not eligible for student loans or you can be discharged from the student loan program. That has been the policy for a very long time and it has been effective, and to the good Representative from Waldoboro, it encourages students not to do illegal things such as deal, use, and support others in using illegal drugs, because student loans should be an incentive to not do those things. I appreciate the discussion and I will be supporting the motion to indefinitely postpone this amendment. I don't believe that this is effective and I certainly want to help keep drugs out of our schools and particularly out of my district. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A few brief points. One major thing that Part DD does do is to impose, for the first time, mandatory minimum fines on trafficking in heroine, trafficking in methamphetamines and other major drugs. There are major felonies on the books in Chapter 45 that do not now have a mandatory minimum fine. A good piece of this chapter, Part DD does impose those fines. Marijuana is a small player here, but in respect to the marijuana I would say that the fines have been on the books for many, many years and they have not been increased in many years. For the drug paraphernalia offense I don't think that they have been increased for about a dozen years or more and this is sort of an inflation factor going into effect here. With respect to domestic violence we did impose a mandatory minimum fine on assaults including domestic assaults in the Part I budget. That is already there. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-679) to Committee Amendment "A" (H-673). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 303**

YEA - Adams, Annis, Ash, Babbidge, Barstow, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Goldman, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lerman, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W,

Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Bryant-Deschenes, Cebra, Cressey, Crosthwaite, Eder, Edgecomb, Fletcher, Glynn, Hamper, Jackson, Kaelin, Lansley, Lewin, Lindell, Makas, McKane, Moore G, Plummer.

ABSENT - Beaudette, Greeley, O'Brien, Tuttle, Watson.

Yes, 127; No, 19; Absent, 5; Excused, 0.

127 having voted in the affirmative and 19 voted in the negative, with 5 being absent, and accordingly House Amendment "A" (H-679) to Committee Amendment "A" (H-673) was **INDEFINITELY POSTPONED**.

Subsequently, Committee Amendment "A" (H-673) was **ADOPTED**.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the **PASSAGE TO BE ENGROSSED 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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 304**

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

NAY - Brown R, Bryant-Deschenes, Cebra, Clough, Crosthwaite, Davis K, Joy, Lansley, McFadden, McKane, Moore G, Twomey, Vaughan.

ABSENT - Beaudette, Fisher, Greeley, O'Brien, Tuttle, Watson.

Yes, 132; No, 13; Absent, 6; Excused, 0.

132 having voted in the affirmative and 13 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-673)** and sent for concurrence. **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**

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-640) thereto in the House on June 7, 2005.**

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-640) thereto AND SENATE AMENDMENT "A" (S-354) in NON-CONCURRENCE.**

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR.**

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 305**

**YEA** - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, 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, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**ABSENT** - Beaudette, Greeley, O'Brien, Tuttle, Watson.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR.**

**Non-Concurrent Matter**

Bill "An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws"

(H.P. 146) (L.D. 195)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AND HOUSE AMENDMENT "A" (H-653) in the House on June 7, 2005.**

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) in NON-CONCURRENCE.**

The House voted to **INSIST.**

**REPORTS OF COMMITTEE**

**Divided Report**

Ten Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-356)** on Bill "An Act To Implement the Recommendations of the Commission to Study Maine's Community Hospitals"

(S.P. 620) (L.D. 1673)

Signed:

Senators:

MARTIN of Aroostook

ROSEN of Hancock

Representatives:

PINGREE of North Haven

WALCOTT of Lewiston

GROSE of Woolwich

WEBSTER of Freeport

MILLER of Somerville

BURNS of Berwick

CAMPBELL of Newfield

GLYNN of South Portland

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

Signed:

Representatives:

SHIELDS of Auburn

LEWIN of Eliot

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-357)** on same Bill.

Signed:

Senator:

MAYO of Sagadahoc

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-356).**

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-356).**

**READ.**

On motion of Representative PINGREE of North Haven, Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE.** Committee Amendment "A" (S-356) was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-356)** in concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS**

**Emergency Measure**

An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

(H.P. 946) (L.D. 1363)

(C. "A" H-663)

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

Representative MARLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had several people ask me if I could give a quick overview of the theme of our Highway Budget. There are several things in here as far as generating long-term savings for the Highway Fund. It is a unanimous report. The Committee looked at preserving a rail corridor in Portland and the city is working with a group at Narrow Gauge to preserve that future rail service and accept the language as well as a number of reductions in positions in our budget saving over \$1 million. This is very important to the Transportation Committee for long-term savings. Thank you.

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. 132 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.

**Acts**

An Act To Eliminate Estate Taxes on Family-owned Businesses

(H.P. 321) (L.D. 436)  
(C. "A" H-589)

An Act Regarding the Reporting of Hospital and Ambulatory Surgical Center Prices

(H.P. 975) (L.D. 1411)  
(C. "A" H-660)

An Act To Further the Transition to the New Department of Health and Human Services

(S.P. 608) (L.D. 1642)  
(C. "A" S-349)

An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council

(S.P. 624) (L.D. 1678)

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.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 636)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES NOT TO REQUIRE A PASSPORT TO CROSS THE CANADIAN BORDER**

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

WHEREAS, the economies of the State of Maine and the eastern provinces of Canada are interdependent, and residents of both the State of Maine and Canada cross the border frequently in the course of daily life; and

WHEREAS, the federal Intelligence Reform and Terrorism Prevention Act of 2004 resulted in the Western Hemisphere Travel Initiative, which, when implemented, will require all travelers to and from the United States to hold valid passports; and

WHEREAS, much of the State of Maine borders on the Canadian provinces of Quebec and New Brunswick, there are several ferries to the nearby Province of Nova Scotia and many

residents along this long border go back and forth for personal, economic and cultural reasons on a daily basis; and

WHEREAS, the closest health care facilities for people living close to the border often are across the border, and requiring a passport could delay medical care in emergencies for citizens of Maine and of Canada; and

WHEREAS, it would pose a burden to economic activity and run counter to the spirit of free trade to require a passport to cross the border with Canada, one of our oldest, staunchest and friendliest allies; and

WHEREAS, this requirement represents a serious infringement on the civil liberties of the citizens of both countries, which have a long history of peaceful coexistence; and

WHEREAS, there is a long history of peaceful relations with Canada, with much tourism, trade, intermarriage and common heritage; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the President and Congress of the United States to repeal that section of the federal Intelligence Reform and Terrorism Prevention Act of 2004 that requires a passport for transit between the United States and Canada; 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, the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

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

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I been present on roll call number 291, LD 482, I would have voted yea. Had I been present on roll call number 295, LD 695, I would have also voted yea. Thank you Mr. Speaker.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Had I been present on roll call number 291, LD 482, I would have voted yea. On roll call number 294, LD 269 I would have voted yea. Thank you Mr. Speaker.

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

At this point, pursuant to his authority under House Rule 201, the Chair addressed the House.

The SPEAKER: Since last month's announcement that the Department of Defense would close the Limestone DFAS Center and the Kittery Shipyard and downsize the Brunswick Naval Air Station the State of Maine and this Legislature have galvanized in a bipartisan effort to oppose those recommendations and in support of those facilities I want to thank the Representative of the three community groups who have traveled here today for their hard work on behalf of their military installations and for the people of the State of Maine.

I also want to thank this Legislature for coming together in support of this effort. It isn't just Brunswick, Kittery or Limestone. This is important to the entire state and to all of our people. We heard just a short while ago from members of these three groups the compelling arguments that were made for keeping these facilities open and operating. We know, for example, that the DFAS facility in Limestone has been among the centers with the lowest operating costs and the highest efficiency of all 26 DFAS centers in the country. Instead of closing the Limestone facility, frankly, the Department of Defense ought to be thinking about enlarging it, given its efficiencies and its low operating costs. We know that the Portsmouth Naval Shipyard saves the military \$200 million a year and was recently awarded as the most efficient naval facility in the country. We know that the Brunswick Naval Air Station is the only remaining military airfield in New England and the first line of defense against terrorism in the North Atlantic. These good people, the ones that we will bring before you in a moment, are spreading that message here in Maine, but more importantly, to members of the BRAC Commission and they are working diligently with technical consultants to analyze the data and that money, the money which we have engrossed in the bill that we sent out to the other body today, is going to help these members in that effort to fight the fight with BRAC and present a united front in the fight to save our military heritage and our military facilities here in Maine. We have a lot of work ahead of us, but everyday we are closer to our goal. I hope that as we move forward in the remaining days of this session we continue to do our business in the same manner as we have come together for the BRAC process.

As the threat of these closures shows us, what matters most is that we get results that are the right and positive thing for Maine people. If we could, at this time, I would like to ask the members from York County, Representatives Wheeler and Moulton, the Representative from Cumberland County, Representative Vaughan, Representatives from Sagadahoc County, Representatives Grose and Bishop, and the Representatives from Androscoggin County, Sampson, Berube and Gerzofsky and the Representatives from Aroostook County, Representative Smith and Edgecomb and the Majority Leader and the Minority Leader to assemble at the well of the House.

These members, assembled at the well of the House are Representatives of the Legislature and Representatives of the geographical areas that are impacted by the potential downsizing or closure of the military operations in Maine. This is the face that we put on the potential closures, those people who represent the areas, those military installations that mean so much to the national security and also to the people of Maine.

I would now like the Sergeant at Arms to escort Paul O'Conner, Vice Chair of the Shipyard Association and President of the Metal Trades Union at the Shipyard in Kittery to step forward. I would also like the Sergeant at Arms to escort Rick Tetrev, Chair of the Brunswick Naval Air Station Task Force in Brunswick to the well of the House. I would also like Walt Elish, Executive Director of the Aroostook Partnership for Progress and

a member of the Grow DFAS group in Limestone to be escorted by the Sergeant at Arms to the well of the House.

Representatives Wheeler and Moulton will present this sentiment to Paul O'Conner the Vice Chair of the Seacoast Shipyard Association and President of the Metal Trades Union. This is our symbolic gesture in providing you with the kind of support that we hope will successfully allow you and those in the Kittery area to convince the DOD of what we know, and that is, that that facility is the most efficient facility in the country and one that ought to remain open.

If we could have Representatives Gerzofsky, Grose, Bishop, Vaughan, Sampson and Berube present to Rick Tetrev, President of the Brunswick Naval Air Station Task Force the token of our concerns and sentiments and Mr. Tetrev this is to recognize from the Legislature to the people of the MidCoast area, our commitment to fighting against the realignment in Brunswick, which we know will have adverse consequences in terms of national security as it is the only military airfield in New England and our first line of defense in the North Atlantic.

At this time I would like Representatives Smith and Edgecomb to step forward and provide a copy of the legislative sentiment to Walt Elish who is the Executive Director of the Aroostook County Partnership for Progress and a member of the grow DFAS group in Limestone. As was stated earlier, the Limestone facility has one of the lowest operating costs and has the highest efficiency of all 26 DFAS centers and is a model, nationwide, for what ought to be the kind of accounting processing center that we should have in this country.

I would like at this time if we could, to provide our sense of appreciation to the members who are assembled here in the well of the House and also to those who are in the gallery today. These fine men and women are those people standing as the first line of defense to ensure that our military heritage remains in tact and that the best possible arguments be made to the BRAC Commission. I want to publicly recognize in the gallery and ask to stand as they are recognized, Catherine Glover who is the President and CEO of the Southern MidCoast Chamber of Commerce and a BNAS Task Force Volunteer. Laura Trottier who is a BNAS Task Force Volunteer, Al Austin, who is a BNAS Task Force volunteer and Don Garish, who is the Brunswick Town Manager and a volunteer. From Portsmouth, Dave Scofield from Save Our Shipyard and a member of the Metal Trades Council, Ginny Griffith of the Greater Portsmouth Chamber of Commerce and the Seacoast Shipyard Association and Save Our Shipyard volunteer, Mark Green the Sanford Town Manager and a member of the Save our Shipyard group and from Limestone Kay Rand, Vice Chair of the Loring Development Authority and a member of the Grow DFAS volunteer organization. Would the members of the 122nd Legislature thank these individuals now, and in advance of, the hard work and dedication that they have given, and will give, to the people of the State of Maine?

Would the Sergeant at Arms please escort these fine public servants back through the well of the House and out of the House chamber that would be much appreciated as we do have some work to do? As you leave, please understand that our thoughts and prayers go with you in providing the best possible arguments to the BRAC commission now and in the foreseeable future.

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

**ENACTORS**  
**Emergency Measure**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007

(H.P. 1186) (L.D. 1677)  
(C. "A" H-673)

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

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

Representative **BRANNIGAN** : Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am proud to present for our committee this budget. It was put together in the way budgets of ole were put together. We worked hard as a group. We worked with both sides. I commend the people that are on the Appropriations Committee from my side of the aisle, but I also want to thank the Representative from Waterford, Representative Millett, the Representative from Oakland, Representative Nutting, the Representative from Rockport, Representative Bowen and from Scarborough, Representative Curley. This was an experience of working together pounding out a budget and it does the job that we want it to do. It keeps us whole, it allows for people who need payment to be paid before the end of this year. With all hope it takes care of the cloud that has been hanging over us with the Baxter Compensation Commission. This will hopefully end that sorry chapter and it will allow hospitals to receive a large part of the payments that are owed them. Mr. Speaker I commend all who have worked on this and I encourage its enactment. Thank you Mr. Speaker.

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 would like to thank the good Representative from Portland for his comments and I would like to add some very brief points in support of the bill that we are about to enact. As the Representative indicated this is evidence of, and I think living proof that, working together we can always fashion a better product. This is a process that has worked so much better in the last few weeks in putting together this emergency bill and I think that it bodes well for the future and I would like to also thank all of the members of the committee on both sides of the aisle and I would like to express my appreciation to my floor leaders and to you, Mr. Speaker, for the role that you played in keeping us focused. It does allow us to do something that I think we are sent here to do and that is to have our government pay its bill, be responsible to its constituents and be held accountable.

In three ways we have done some good things in that regard. We have given additional money to the hospitals. We have allowed the bills to be paid to healthcare providers of all kinds between now and June 30th and we have honored our commitment to the victims of the Baxter School for the Deaf that occurred a generation ago. We have proven that we can meet our commitments, we can pay our bills and we can honor our obligations. Secondly, I think that we have evidence that we can do this without making government larger. I am particularly pleased with the help of the Transportation Committee and their work on the highway budget that we end up with fewer head count at the end of the line than when we started and we have actually reduced the number of authorized positions by three and

a fraction. Thirdly, I think that we have succeeded in continuing to wage an aggressive effort in the war on drugs. We talked about that this morning and I won't repeat it, but my point in bringing the subject up is that we focused on the importance of continuing the war on the issue of importation, trafficking, sale, use and abuse of illegal substances. The issue of how some of those monies came about is only secondary to the fact that we made a commitment to continue the juvenile drug court and to continue to honor and pay for the work that is being done by 28 drug enforcement agents and we have done that in the spirit of continuing to wage the good fight.

We have also intentionally begun to look ahead and this is where I take a good deal of satisfaction and optimism in the future. We have looked ahead in the sense that we realized that we had an obligation to fill the void left by a change in the parentage of our medical assistance percentage i.e. Medicaid. We have more work to do on that, but we realize that with a two-thirds vote we could actually obtain more of those resources from the federal government, use them better in the next three months and accomplish more in the process. We have also made some strategic investments in the Public Safety Radio System, which will cost us money, but I think is the best path to embark upon to date. I think that it is worthy of our support. We have also made a commitment to cleaning up the Wolman site in Waterville with scarce resources, but we have certainly made a commitment to improving our environment as well.

In the long run we are looking ahead with some commitments to study the issue of vacant positions and how we better manage and account for positions that aren't being used and also to take a look at the budget structure for the future. So, all in all, I believe that this has been a good exercise and I thank everybody involved and I urge your support at final enactment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do think that there are good things that were worked out in this budget, however there is \$11 million being cut for prescription drugs for the elderly and that is something that I cannot support and I would ask for a roll call vote please.

Representative **TWOMEY** of Biddeford **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 306**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau,



Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant-Deschenes, Cebra, Clough, Collins, Crosthwaite, Davis K, Grose, Hall, Joy, Lansley, Lewin, McFadden, McKane, Moore G, Thomas, Twomey, Vaughan.

ABSENT - Brown R, Hotham, Mazurek, Robinson.

Yes, 130; No, 17; Absent, 4; Excused, 0.

130 having voted in the affirmative and 17 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

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

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

Which was **TABLED** by Representative PELLETIER-SIMPSON of Auburn pending **FURTHER CONSIDERATION**.

On motion of Representative PELLETIER-SIMPSON of Auburn, the House **RECEDE**.

On further motion of the same Representative, **Committee Amendment "A" (H-647)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (682)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This original bill could have been used to link Maine's most deadly social problem, domestic violence with one of societies most contentious issues, abortion. It may have had an unintended consequence of turning doctors and nurses into criminals and that is why I could not support it. Two months ago we passed the Motherhood Protection Act, an enormous first step in demonstrating this state's commitment to eradicating the evil of violence against pregnant women, but it was missing one very important element. Today I am proposing an amendment to LD 262, which will address the tragic circumstance that when a woman has made the decision to carry a pregnancy to term but has that choice taken away by an act of violence. With this amendment we will say in no uncertain terms that if you assault a pregnant woman and cause her to lose her pregnancy the state will prosecute you and meet out the harshest of punishments by making this a Class A crime. In the future women will have their choice to have a baby protected in law and we will honor the tragic loss of the Fliegelman family, when Heather and Jonah

were taken from them. Thank you for your time and attention and I urge you all to support the pending motion to protect pregnant women from acts of violence.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When I sponsored this bill I never thought that I would get to a day where there would be agreement with the other side as far as being so diametrically opposed on certain issues, but yet being able to find common ground. I would like to thank the Representative from Auburn, Representative Pelletier-Simpson for coming to me and working together with me. I know that it took a lot for her to do that and I really humbly appreciate that. I know that the Representative from Bangor, Representative Faircloth had something to do with it too and I really appreciate him as well and anybody that had been involved.

To me there is nothing lower than someone who assaults or kills a pregnant woman. Any woman who wishes to carry an unborn child to term should have that right and anyone who assaults or kills a pregnant woman, which results in termination of the pregnancy will be severely punished by this bill with a Class A crime. This bill, as amended, sends a powerful message that Maine will not tolerate acts of violence against pregnant women. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to echo the sentiments of the Representative from Hampden, Representative Duprey. My sincerest thanks to the Representative from Auburn, Representative Pelletier-Simpson, her willingness to come to us, to work together with us and to come to a resolution that we can all be happy with and proud of is commendable and I give her my most sincere thanks and urge everyone to please support this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, as a cosponsor of this bill, do agree with the compromise and certainly my compliments go to the Representative from Auburn, Representative Pelletier-Simpson and to everybody that was involved in this. There is plenty of common ground here and this is an example of one and I am very proud of the whole body today. For this I urge you to go green. Thank you.

Subsequently, House Amendment "A" (682) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (682)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 637)  
**JOINT RESOLUTION HONORING THE 200TH ANNIVERSARY OF OXFORD COUNTY**

WHEREAS, the Great and General Court of the Commonwealth of Massachusetts did charter the new County of Oxford, in the then District of Maine, "to be hereby formed and erected into an entire and distinct county," on March 4, 1805; and

WHEREAS, Oxford County was named for Oxford, Massachusetts, and in turn for Oxfordshire, England, in honor of its original settlers, the veterans of the French and Indian War

and the American Revolution, which struggles made our young nation free; and

WHEREAS, the new County of Oxford was Maine's most mountainous, most forested and most blessed with gemstones and mineral wealth, and home to the hills where rise the mighty Saco River and Androscoggin River that carried commerce, harvests and timber wealth down to the sea; and

WHEREAS, then and now, the settlers and citizens of Oxford County, in the words of George J. Varney in 1886, treasured its "lofty and snow-clad peaks, ...the peaceful verdure of great woods, grassy valleys, rich meadows, hillsides enlivened with flocks and herds, shining streams, and sky-repeating ponds, with occasional breeze-swept eminences, affording wide views of the surrounding beauties, hold the regard of the lover of nature for a longer time..."; and

WHEREAS, the stony soil of Oxford County has been the birthplace and home to great and memorable Mainers, such as Vice President Hannibal Hamlin, Secretary of State Edmund S. Muskie and Ambassador Margaret Joy Tibbetts; Native American herbalist Molly Ockett and woodsman Metalluk of the Magalloway; humorist Artemus Ward; publisher Seba Smith; authors C. A. Stephens, Hugh Pendexter, Helen Leidy Hamlin and Louise Dickinson Rich; scientists Addison Verrill and Charles Otis Whitman; gemologist Stan Perham; performers and artists Madame Scalar, Flora Barry, Geraldine Farrar, Reta Shaw, Phillip Goodwin and Minnie Libby; and philanthropists Maude Kammerling and Emily Bissell, among many such notables; and

WHEREAS, from the rough waters of Lake Umbagog in Upton, where once came the logs to feed the mighty mills of Rumford 100 years ago to the pine-clad hills of Andover, where mankind's first transatlantic television pictures were broadcast from the Telstar earth station to France 45 years ago, Oxford County has made its mark on Maine and the world with the diligence, determination and endurance against all odds that is symbolic of Mainers; and

WHEREAS, on June 11, 2005, the proud sons and daughters of Oxford County shall gather upon Paris Hill, their first and venerated county seat, to commemorate the 200th anniversary of Oxford County and its history, heritage and hopes for a rich future stretching toward a second 200 years; now, therefore, be it

RESOLVED: That We, the Members of the 122nd Legislature of the State of Maine now assembled in the First Special Session, take this opportunity to send greetings and congratulations to the good citizens of Oxford County upon the honored anniversary of the 200th year of their county charter and extend our best wishes for the celebration of the same throughout the year 2005 to one of the treasured counties of our beloved State of Maine in the great nation of the United States of America.

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

**ENACTORS**  
**Acts**

An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses

(S.P. 443) (L.D. 1263)  
(H. "A" H-678 to C. "A" S-348)

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

On motion of Representative SMITH of Monmouth, 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. 307**

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

**NAY** - NONE.

**ABSENT** - Blanchette, Gerzofsky, Hotham, Robinson, Wheeler.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Advertising by Drug Manufacturers and Disclosure of Clinical Trials

(H.P. 1141) (L.D. 1618)  
(H. "A" H-675 to C. "A" H-661)

Was reported by the Committee on **Grossed 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**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say a few words about this. I spoke yesterday and mentioned Senator Grassley and Senator Dodd and the Bush Administration investigating the FDA and the drug companies. The Senator from Maine, Senator Snowe had a bill in that really chews on the President of the Pharmaceuticals Manufacturers Association know as PhRMA. I spoke against Senator Snowe and criticized the legislation saying that the Food and Drug Administration would be unable to regulate the imports. Senator Snowe said that harm comes from denying medications to people who can't afford it.



What I call unconscionable is when I see my constituents admitted to the hospital simply because they cannot afford to fill their prescriptions. Snowe says said that a drug is only effective if people can afford to purchase it. Mainers routinely travel to Canada to buy prescriptions for personal use at about half the U.S. price.

I have mentioned Senator Snowe, I have mentioned Senator Grassley and I have mentioned Senator Dodd and I have mentioned the Bush Administration. I put in a small bill to Health and Human Services to go into Canada or out of this country and I put the bill in because I had lunch with the senior citizens and heard them tell me about going to Canada for their many trips. I said to them, you have lunch with me, but what about the seniors who have Meals on Wheels, who gets their prescription drugs? They said that they guessed nobody did. I put in a small bill to take care of the elderly and disabled by allowing them to go out of this country and to bring back prescription drugs for themselves. It turned out to be a hornet's nest.

The pharmaceutical companies sent up a former FDA member who is now working for them. They also sent up an executive of the pharmaceutical companies to deny me my bill, but the bill came out of committee 13 to 0 and passed the House and the Senate and I am just waiting for clearance from Washington.

The Chairman of the Health and Human Services Committee considered this bill last Monday. We are trying to help Mainers who are too disabled to take one of the bus trips to Canada. This bill was praised by the advisor of the Penobscot Nation, the Maine Association of Agencies on Aging and Legal Services for the Elderly. Ann Robinson, a lobbyist for PhRMA said that Campbell's importation program would violate federal law and would prohibit such imports to protect the public from poorly regulated pharmacies. Let me tell you, Men and Women of the House, I got a call from California, two from Washington and one from Rhode Island on this little bill and I got it as far as I did because I lobbied for it. I went and talked to the Governor and I got help from both sides of the aisle and passed it. Now, Ann Robinson has spent more time in this House this week than I have against this other bill that I support so I ask you to get behind me and think of your constituents and not the pharmaceutical companies. Thank you very much.

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. 308**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, 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, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, 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, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Blanchette, Dugay, Gerzofsky, Hotham, Robinson, Wheeler.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**ENACTORS**

**Acts**

An Act To Implement Certain Recommendations of the Commission To Study Maine's Community Hospitals

(S.P. 620) (L.D. 1673)

(C. "A" S-356)

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

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

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Had I been present for roll call number 301 I would have voted yea. On 302 I would have voted nay, on 303 yea, 304 yea and on 305 yea. Thank you Mr. Speaker.

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On motion of Representative DAVIS of Falmouth, the House adjourned at 3:50 p.m., until 9:00 a.m., Monday, June 13, 2005 in honor and lasting tribute to the Honorable Edward Ainsworth, of Yarmouth, Agnes H. Falt, of Woolwich, Malcolm "Mac" Wilder Burdin, of Strong, Alicia L. Arsenault, of Brewer, Wayne W. Whitney, of Kenduskeag and Leroy D. Grondin, of Levant.