

MAINE STATE LEGISLATURE

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



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

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

Volume 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
SECOND SPECIAL SESSION
1st Legislative Day
Friday, July 29, 2005

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Second Legislature in extra session, the members of the House of Representatives assembled in their hall at 11:00 in the morning and were called to Order by the Speaker.

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
Pledge of Allegiance.

CALLING OF THE ROLL

A roll call was taken. 123 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative ADAMS of Portland
Representative BARSTOW of Gorham
Representative BERUBE of Lisbon
Representative BIERMAN of Sorrento
Representative BLISS of South Portland
Representative BRANNIGAN of Portland
Representative BROWN of South Berwick
Representative CEBRA of Naples
Representative CRAVEN of Lewiston
Representative CRESSEY of Cornish
Representative CURLEY of Scarborough
Representative DAIGLE of Arundel
Representative DUNN of Bangor
Representative EDER of Portland
Representative FARRINGTON of Gorham
Representative GLYNN of South Portland
Representative GROSE of Woolwich
Representative HUTTON of Bowdoinham
Representative KAELIN of Winterport
Representative MAKAS of Lewiston
Representative MAREAN of Hollis
Representative MARLEY of Portland
Representative MILLETT of Waterford
Representative OTT of York
Representative PLUMMER of Windham
Representative ROBINSON of Raymond
Representative SHIELDS of Auburn
Representative WOODBURY of Yarmouth

At this point, a message was received from the Senate, borne by Senator GAGNON of Kennebec of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

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

The Following Proclamation: (H.C. 316)
**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve legislative matters

limited to bond authorizations for expenditures related to transportation, pollution control, research and development, land acquisition, and public facilities, as well as the confirmation of judicial appointments; and

WHEREAS, the public health, safety, and welfare requires that the Legislature resolve those pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 122nd Legislature:

NOW THEREFORE, I, JOHN E. BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part First, Section Thirteen of the Constitution of Maine, convene the Legislature of this State, hereby requesting the Senate to assemble at ten o'clock and the House of Representatives to assemble at eleven o'clock in the morning in their respective chambers at the Capitol in Augusta on July 29, 2005, in order to receive communications, enact bond authorizations and confirm judicial appointees as may properly be brought before this special session of the Legislature.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 27th day of July in the Year of our Lord Two Thousand and Five.

S/John E. Baldacci

Governor

S/Matthew Dunlap

Secretary of State

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative CUMMINGS of Portland, the following House Order: (H.O. 44)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor John E. Baldacci, and inform him that a quorum of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may properly come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives have assembled in the Hall of the House for the consideration of such business as may properly come before the House:

Representative BRANNIGAN of Portland
Representative DUDLEY of Portland
Representative CRAVEN of Lewiston
Representative FISCHER of Presque Isle
Representative LERMAN of Augusta
Representative MILLS of Farmington
Representative MILLETT of Waterford
Representative NUTTING of Oakland
Representative BOWEN of Rockport
Representative CURLEY of Scarborough

On motion of Representative DUPLESSIE of Westbrook, the following House Order: (H.O. 45)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may properly come before the House.

READ and PASSED.

The Speaker appointed Representative CUMMINGS of Portland to inform the Senate that a quorum of the members of the House of Representatives have assembled in the Hall of the House for the consideration of such business as may properly come before the House.

COMMUNICATIONS

The Following Communication: (H.C. 314)

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066
Letter of Transmittal**

Senator Beth Edmonds
President of the Senate
Representative John Richardson
Speaker of the House of Representatives
The Honorable John E. Baldacci
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2004. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.6 billion in federal financial assistance. The audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements and Notes to the Financial Statements
- Management's Discussion and Analysis
- Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- Report on Compliance with Requirements Applicable to each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings, Questioned Costs and Corrective Action Plans
- Summary Schedule of Prior Audit Findings

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2004 Single Audit of the State of Maine.

Respectfully submitted,
S/Neria R. Douglass, JD
State Auditor
June 30, 2005

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

The Following Communication: (H.C. 315)
**AMERICAN HEART ASSOCIATION
NORTHEAST AFFILIATE**

**343 GORHAM ROAD
SOUTH PORTLAND, MAINE 04268**

May 3, 2005

Speaker John Richardson
Office of the Speaker
2 State House Station
Augusta, ME 04333

Dear Speaker Richardson:

As chair of the Maine's Tobacco Prevention and Control Advisory Council, I respectfully submit the enclosed Advisory Council Report for the calendar year 2004.

Thank you for giving the Council the opportunity to report on the important work being done by the Partnership For A Tobacco-Free Maine to improve the health of the citizens of Maine.

Sincerely,

S/Dennise D. Whitley, MHA

Director of Health Initiatives and Advocacy

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Representative Charles Earl Crosby III, of Topsham, upon receiving the Wal-Mart Regional District Award. Every year at Wal-Mart's annual shareholders meeting, Wal-Mart honors the best of their best in terms of associate performance. Representative Crosby, a member of the Joint Standing Committee on Business, Research and Economic Development, received the award in June in Arkansas for his outstanding commitment to fundraising for charitable causes. Under his leadership, his Wal-Mart district raised the most money in Maine to help those with less and those in need. We congratulate Representative Crosby on this dedication to his community and for receiving this well-deserved award;

(HLS 1354)

Presented by Representative AUSTIN of Gray.

Cosponsored by Senator MAYO of Sagadahoc.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. At the end of session in June, while so much attention was on legislative issues before this body one of our peers took a very, very brief hiatus. Representative Crosby was flown by Wal-Mart to their corporate headquarters in Arkansas to be recognized as one of their leading associates. As many of you know, Representative Crosby wears many hats outside of his life here in the Legislature. This father of four is an accomplished DJ, an auctioneer, entrepreneur and an associate for Wal-Mart. Representative Crosby, through his leadership and enthusiasm was able to inspire his regional district to raise the highest amount of charitable funds for needy causes in this area.

Representative Crosby serves on the Business, Research and Economic Development Committee and is a valued member. He understands the implicit importance of a free marketplace and I have genuinely enjoyed our discussions, our deliberations and collaborations around many business bills. When I heard of Representative Crosby being whisked away by corporate America to receive his distinguished award I asked him to send

me more information on this honor, however it seems modesty prevailed and no information was forthcoming. I wrote to Wal-Mart's Chris Buchanan at headquarters and asked about our colleague and their Maine associate. Hence the quote, "Well deserved" came back for my describing.

Representative Crosby, I know that your fellow committee members on Business, Research and Economic Development and the peers here within this house join me in congratulating you on this honorable recognition. Thank you Mr. Speaker.

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

Subsequently, Representative DUDLEY of Portland reported that the Committee had delivered the message with which it was charged.

**SENATE PAPERS
Non-Concurrent Matter**

An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

(H.P. 869) (L.D. 1272)
(C. "A" H-195)

PASSED TO BE ENACTED in the House on May 16, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195) AS AMENDED BY SENATE AMENDMENT "A" (S-413)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

Subsequently, Representative CUMMINGS of Portland reported that he had delivered the message with which he was charged.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

**ENACTORS
Acts**

An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

(H.P. 869) (L.D. 1272)
(S. "A" S-413 to C. "A" H-195)

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

COMMUNICATIONS

The Following Communication: (S.P. 639)

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

July 19, 2005

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

Dear Senator Hobbins and Representative Pelletier-Simpson: Please be advised that Governor John E. Baldacci has nominated Jeffrey Hjelm of Dixmont for reappointment as a Superior Court Justice.

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

Thank you for your assistance in this matter.

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

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

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

The Following Communication: (S.P. 641)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

July 19, 2005

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

Dear Senator Hobbins and Representative Pelletier-Simpson: Please be advised that Governor John E. Baldacci has nominated Carl Bradford of Yarmouth for reappointment as a Superior Court Active Retired Justice.

Pursuant to Title 4 M.R.S.A. § 104, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

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

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

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

The Following Communication: (S.P. 642)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

July 19, 2005

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

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has
nominated Michael Westcott of Damariscotta for appointment as
a District Court Active Retired Judge.
Pursuant to Title 4 M.R.S.A. § 157-B, this nomination will require
review by the Joint Standing Committee on Judiciary.
Thank you for your assistance in this matter.

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

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

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

The Following Communication: (S.P. 643)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

July 19, 2005

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

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has
nominated Ralph Tucker of Brunswick for appointment as a
District Court Judge.
Pursuant to Title 4 M.R.S.A. § 157, this nomination will require
review by the Joint Standing Committee on Judiciary.
Thank you for your assistance in this matter.

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

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

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

The Following Communication: (S.P. 644)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

July 19, 2005

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

Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has
nominated Keith Powers of Cape Elizabeth for reappointment as
a District Court Judge.

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

Thank you for your assistance in this matter.

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

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

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

The Following Communication: (S.P. 645)
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

July 19, 2005

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

Dear Senator Hobbins and Representative Pelletier-Simpson:
Please be advised that Governor John E. Baldacci has
nominated Marilyn Stavros of Kennebunkport for appointment as
a District Court Judge.
Pursuant to Title 4 M.R.S.A. § 157, this nomination will require
review by the Joint Standing Committee on Judiciary.
Thank you for your assistance in this matter.

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

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, Reauthorizing the Balance of the 1999 Land for
Maine's Future Bond Issue

(H.P. 1204) (L.D. 1693)

Sponsored by Speaker RICHARDSON of Brunswick.
Cosponsored by President EDMONDS of Cumberland.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

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

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

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

Representative BOWLES of Sanford **REQUESTED** a roll call
on **PASSAGE TO BE ENGROSSED**.

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

At this point, the Speaker recognized the Representative from Bowdoinham, Representative HUTTON, the Representative from Cornish, Representative CRESSEY, the Representative from Yarmouth, Representative WOODBURY, the Representative from Naples, Representative CEBRA, the Representative from Gorham, Representative BARSTOW, the Representative from Portland, Representative EDER, the Representative from Auburn, Representative SHIELDS, the Representative from South Portland, Representative GLYNN, the Representative from Lewiston, Representative MAKAS, the Representative from Winterport, Representative KAELIN, the Representative from Portland, Representative ADAMS, the Representative from Scarborough, Representative CURLEY, the Representative from Woolwich, Representative GROSE, the Representative from Lewiston, Representative CRAVEN, the Representative from of Arundel, Representative DAIGLE, the Representative from Gorham, Representative FARRINGTON, the Representative from Hollis, Representative MAREAN, the Representative from Portland, Representative MARLEY, the Representative from Waterford, Representative MILLETT, the Representative from York, Representative OTT, the Representative from Windham, Representative PLUMMER, the Representative from Raymond, Representative ROBINSON and the Representative from Lisbon, Representative BERUBE, and they were added to the quorum call of the Second Special Session of the 122nd Legislature.

The SPEAKER: A roll call having been previously 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. 348

YEA - Adams, Annis, Ash, Austin, Babbidge, Berube, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carr, Churchill, Clark, Clough, Collins, Cressey, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Dudley, Dugay, Duplessie, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Rosen, Saviello, Schatz, Seavey, Shields, Smith W, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant-Deschenes, Cebra, Crosthwaite, Edgecomb, Emery, Hamper, Lansley, Lindell, McLeod, Richardson M, Robinson, Sherman, Stedman, Sykes, Thomas, Vaughan.

ABSENT - Barstow, Beaudette, Bierman, Bliss, Brannigan, Brown R, Canavan, Craven, Crosby, Driscoll, Dunn, Duprey, Eberle, Grose, Joy, Pelletier-Simpson, Percy, Sampson, Smith N, Walcott.

Yes, 115; No, 16; Absent, 20; Excused, 0.

115 having voted in the affirmative and 16 voted in the negative, with 20 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 411)

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

July 29, 2005

Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:

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

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Michael N. Westcott of Damariscotta for appointment as an Active Retired District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Jeffrey L. Hjelm of Dixmont for reappointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Carl O. Bradford of Yarmouth for reappointment as an Active Retired Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Keith A. Powers of Cape Elizabeth for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of the Ralph L. Tucker of Brunswick for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of the

Marilyn E. Stavros of Kennebunkport for appointment as a District Court Judge.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

CONSENT CALENDAR

First Day

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

(S.P. 338) (L.D. 998) Bill "An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-406)**

On motion of Representative TWOMEY of Biddeford, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-406) was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "B" (H-720) to Committee Amendment "A" (S-406)**, which was **READ** by the Clerk.

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. This amendment adds bond issue authorization in the amount of \$4.5 million for grants to construct and upgrade water pollution control facilities.

I sit on the Natural Resources Committee and I have been listening very intently and we tried very hard to get more money to upgrade our wastewater facilities. I know that we are supposed to just go along to get along, but I cannot do that. If we do not fix our infrastructure in the State of Maine that Land for Maine's Future bond won't mean a thing. I cannot believe that we are in such disarray in the State of Maine from our treatment plants. This \$4.5 million doesn't even begin to fix what needs to be fixed. But, we have to start somewhere and the list is over a dozen urgent sewage treatment plants that are in dire need of help today. When you turn your television on and you see that you can't swim at a beach because the sewage treatment plant has produced so much bacteria, that is a problem.

I come from southern Maine; no one can accuse me of bringing home the bacon. This project, the \$4.5 million is targeted for Machias; \$1.5 million to make improvements to the Machias waste water collection and treatment system by eliminating combined sewer overflows. Recent deterioration of water quality below the treatment plant has led to closure of clam-flats in the Machias River, putting more than 80 clambers in Machiasport out of work. Fixing this problem will reopen the clam-flats. That is economic development. That is about jobs and this is what we are supposed to be here thinking about.

We need another \$2 million for the Loring Development Authority at Limestone to match with rural development and to upgrade the wastewater treatment plants in the Limestone/Loring area. The Limestone facility past its useful life, will be connected to Loring for further treatment before discharge into the Aroostook River. This project will remove wastewater discharges from two prime trout streams, the Little Madawaska River and Limestone Stream. The total project will cost between \$9 million and \$12 million depending on the final design. This is in need now, today.

Indian Township, \$1 million to only partially fund a proposed treatment plant expansion and pump station upgrade. Currently, the school and residents are experiencing exposure issues from malfunctioning septic systems in the Peter Dana Point area. This project will convey waste water to the existing land treatment system and in Presque Isle a half million dollars will be needed to maintain low costs in Presque Isle at or below 2% of the median household income. The project in Presque Isle will remove the discharge from Presque Isle Stream and extend the outfall to the Aroostook River at a total cost of about \$2 million. This is just the beginning. There are twelve more that I haven't even included in this because I was told that you couldn't do it. Just go with the package because we can't settle for anymore.

I can't believe that when people know and they are educated in what is going on that you can't support another \$4.5 million on this bond that people will ultimately vote for. A girl from southern Maine cares just as bad about what is happening in the whole State of Maine. This is just the beginning of the problems of our septic and sewage and this is about economic development. This is about jobs. This is about our infrastructure. I offer this amendment. I don't want to keep you here longer, but we are in need and we don't have one more cent to do it. We need to get this bond. We need to get it into this bond package and we need the people to vote for it. I work very hard; I care about the working waterfront. I care about Land for Maine's Future, but what good is that if we don't have the infrastructure? So, I ask

you, don't listen to the motion to Indefinitely Postpone and please support this. Let us send a message to the people of Maine. I tried to get to the Republican caucus this morning. I couldn't get in. I really believe that if you were educated on this that you can't say no to the infrastructure this is causing us to close our beaches. It is causing people not to be able to dig clams. It is a bigger issue and it is about clean water. Please we need this fund. Thank you.

Representative DUDLEY of Portland moved that **House Amendment "B" (H-720) to Committee Amendment "A" (S-406) be INDEFINITELY POSTPONED.**

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. It is with a heavy heart that I rise to move indefinite postponement. There isn't a word that the Representative from Biddeford said regarding this amendment that I disagreed with. I think that she is absolutely right. I wish to publicly praise her for bringing it forward. I have to say that it struck me profoundly to hear her words and to look at the list of facilities that she is talking about. They are in Machias; they are in Limestone, Indian Township and Presque Isle. These places are very, very far away from Biddeford and it is clear to me that she is motivated by an interest that is that of the people of the State of Maine and not simply that of the people that she represents in Biddeford and so I wish to praise her.

We had to make some very difficult choices obviously on the Appropriations Committee and leadership where we worked very hard at coming to compromise. We made some very difficult choices. Clearly, there are people in this chamber who feel that we need to make greater investments and I think equally, that there are people in this chamber who probably think that this bond package goes a little too far. When you look at the total amount of leveraged and matched funds along with the bond proceeds, we are talking in excess of \$300 million that would be spent to invest in our infrastructure, to promote economic development and to improve our education facilities and to preserve our outdoor heritage. These are important investments and \$300 million is an awful lot of money.

When it comes right down to it, what we are discussing here today is really the test that this institution is being given. Can we, this group of 2 unenrolled, one Green, Republicans and Democrats, come together when we are required to have a two-thirds vote and successfully reach compromise that makes basic and essential investments in our common future? That is the question before us here today and though I am reluctant to move indefinite postponement I see that it is absolutely necessary in order to honor that compromise that has been reached. Thank you.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do want to thank the Representative from Biddeford for following her conscience and her duty to look after all citizens of the state. The amendment addresses the needs of Washington County and Aroostook County. It provides for water pollution control for these areas. We all know that water pollution control is equally important to all parts of the state, not just southern and central Maine, but also Washington and Aroostook counties. What we are asking you to do is not to appropriate money. What we are asking is for you to include it in the bond package that will go to the voters. Let the voters have a chance to express their wish on whether or not it is important for water pollution control in

Aroostook County and Washington County. That is what we are asking you to do.

We know all about negotiations and the \$83 million that was negotiated. However, our obligation is to the State of Maine and to give our voters a chance to express their will on what the water pollution control will be. We are asking you to vote down the motion to indefinitely postpone, think of the state, think of the priorities and that this is not about recreation, this is not business, this is water quality and this is fundamental to our state. I would request that you vote red on the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Nobody thinks about the toilet until it backs up. That is, once sewage is overflowing onto your floor then I guarantee that is all that you will be thinking about. This Legislature continues to defer critical maintenance. This Legislature proposes to correct 1% of the infrastructure deficits that currently exist. This Legislature proposes to fund repair of an infrastructure at far less than historical levels.

I have distributed what the Natural Resources Committee actually looked at for some of the funding needs that the state has identified and really does need to address. If you have it in front of you then you will notice that we are doing some clean water and we are doing a small community grant program and that is it. We are not going to do anything about storm water pollution. We are not going to fund hazardous waste site cleanup and we are not going to do anything about problems with closed landfills. We are not going to do anything about matching federal money for clean drinking water for the public and we are not going to do anything about creating safer schools for our kids because of chemical hazards left behind. We are not going to provide funding to remediate lead paint. We are not going to fund the replacement of air quality monitoring equipment that informs the public when some of them could die if the air quality is too bad. All of these infrastructure-funding requirements received bipartisan endorsement by the Natural Resources Committee; none will be funded in this current bond package.

This is the same argument that members of any committee can make. Education, Health, Business Development, Transportation, everyone has unfunded requirements and missed opportunities. I will keep this short because I don't expect my remarks to change the result; this is just a teaching moment. All I ask is that you remember that we had this little talk, because before too long we are all going to be reaching for the plunger and wondering where we left it.

In the middle ages they emptied the chamber pot out of the window. If you are one of the 80 clam diggers in Machias who couldn't work because of sewage discharge onto the clam-flats this doesn't look all that different. The good news is, that if we fix 1% a year we will be caught up by the year 2105, assuming nothing else breaks. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I didn't intend to stand up and speak on this, but my wife called me earlier today and said that our septic tank is actually backing up so I felt that I should have some courage and stand up here and talk. I have been committed to stick with this \$83 million number here and in our caucus we discussed it, however, Machias is in my district and we do have a problem with our sewage treatment plant and I feel a responsibility to stand up and support the good Representative Twomey's amendment. So, I would like to see this go out to the voters. Thank you.

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

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Unfortunately, I was caught up in the massive traffic jam before coming up here this morning, but one of the good things that happened was that I had a wonderful discussion while waiting in line with somebody from the Maine Wastewater Control Association who happened to be in the same situation a few cars behind and we discussed this recent issue, which was eluded to earlier by the Representative from Biddeford, Representative Twomey about the closure of beaches. It is, in fact, true that many beaches have been closed this summer because of bacteria, but he assured me and gave me evidence that it is, in fact, not wastewater treatment plants from the towns. It is usually duck feces. So, if you want to keep our beaches open, IF & W could help us with perhaps opening up more hunting seasons around those beaches.

The Natural Resources Committee did have a wish list back when we didn't care about how much money was going to be appropriated or for bonds overall and we thought. Well, gosh, we would like to have all of this on there, but obviously we accept, and many of us accept, the negotiated ceiling of \$83 million and with the proportion that has been allocated we will never be through upgrading our sewage treatment plants. The nature of the beast is to always have more money to spend and at some point you have to draw a line and say that's it and that is why I will be voting in support of Indefinite Postponement. The final point, and something that will come up in every single bond, with every year that we have done bonds we have said to send it out to the people, that is not the function of this body and the concept of bonds. The fact that it requires a two-thirds agreement by this body to enact a bond and send it to the people is not because we want them to make the decision. It is a statement by the Legislature that we have made a decision that we recommend bond passage. So, the support of any bond that we put out here is not saying go ahead and vote on it back home. It is saying that we think that this ought to pass just like this. Will you ratify that? It is a very different concept then saying that our only responsibility is to give it to them in November. Thank you.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am grateful that my good friend and colleague on the Natural Resources Committee, Representative Twomey introduced this amendment. I think that it is terribly appropriate, though modest. When I first learned about the negotiated package I have to confess that I had a sense of disappointment and a real deep sense of insufficiency in this piece of the bond and I recognize that other people probably feel that way about other parts of the bond package. But, the Natural Resources Committee, and I have served on it for five years, year after year reviews a number of serious problems and threats to our environment and public health and to our natural resources and our economy and we search for ways to prudently an effectively deal with those. The bond package is a major piece in our tool kit to work out these issues.

I talked to the Office of Fiscal and Program Review a couple of weeks ago and asked them to look into our history of bond packages and particularly the environmental bonds since 1981 and over that period of time we had 20 environmental bonds and I think we had about 24 bond packages of which 20 included an environmental piece and the average bond, not counting for inflation since 1981 was \$16 million or about 18% of the typical

package. Now, I was feeling kind of down about this and disappointed in us as a Legislature that we couldn't think beyond the scale of the package that we have today.

As much as I respect and admire the members of the Appropriations Committee who worked diligently and across party lines to negotiate this it made me think of my disappointment and made me think of something that my mother regularly did with me. I don't know why she did this with me more than my brothers, but she would often say, when I was looking at the glass half full – my seatmate reminded me of which chapter and verse in the bible it comes from – she would say at the dinner table or in the car or on a walk, "Teddy, whatsoever is true, whatsoever is noble, whatsoever is right, whatever is pure, whatsoever is lovely, whatsoever is admirable think on these things." So, I started to try and think about this bond package in a more positive light, and while it is true that we are only going to solve 1% of our \$268 million backlog in sewage treatment plants it is still 1%, it is not 0%. I appreciate that we are making some progress there.

I suppose the biggest problem with this package, in addition to the lack of resources for wastewater treatments plants and insufficient funds for drinking water protection, is that there are zero funds for the Uncontrolled Hazardous Sites Program, which is Maine's Superfund Program essentially. That is the program that supplies funds to clean up places like the Eastland Woolen Mill, the Wolman Steel Plant and Waterville, which we have discovered PCB on, the various tanneries and junkyards scattered throughout the state. There are dozens and dozens. I looked at a list today of those sites and what strikes me as particularly troublesome is that in the majority of cases with our uncontrolled sites our only resolution, our only solution, is to fence them off. We don't have the resources to clean them up and we can't go in and dig out the dirt and the soil and move it to be incinerated or whatever we are going to do with it. We simply fenced them off so that children and others don't get into the site. Some of those are big sites and some are small, but there are dozens and dozens and dozens throughout the State of Maine that await the resources.

Now, I am about to wrap up, but in addition to that we have sites that we are currently cleaning up and whenever we have a problem like we did at Eastern Maine Fiber or Lincoln Pulp and Paper, we end up taking the money off those other projects and bringing them in to deal with something that is much more threatening as those two places were when they had their chemicals stored there. In almost all of these cases the original owner walked off the property, locked the door – sometimes they didn't lock the door – and left it to the taxpayers to deal with. Well, in any case, in the spirit of Philippians' Chapter 4 Verse 8, I hope that we will think on these things and come up with a truer, nobler, purer, more lovely and admirable bond package in the near future. Thank you Ladies and Gentlemen.

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

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to tell everyone that there is a report called *Testing the Waters 2005: A Guide to Water Quality at Vacation Beaches*. It tallied 56 closings and health advisory days in Maine in 2004. That is a 370% jump from the historic level of 15 closures per summer since 1991. All of last years closing days were prompted by unsafe levels of bacteria in the water indicating the presence of human or animal waste. There are both and that is why there is an urgency and I please ask you to give me the courtesy of not voting to indefinitely postpone and I would ask for a roll call Mr. Speaker.

Representative TWOMEY of Biddeford REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "B" (H-720) to Committee Amendment "A" (S-406).

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 South Portland, Representative Eberle.

Representative EBERLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to follow up the excellent comments of my colleagues on the Natural Resources Committee and add one more point that I think cannot be emphasized enough and that is that when we had a public hearing on this issue we had town managers come to us and say that they could not invite any new economic development to their community because they did not have the infrastructure to support it. In addition to all of the other comments you have heard I would also add my thoughts that this is definitely something that communities need to pursue economic development and make sure that they can support the businesses that want to come into their community. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-720) to Committee Amendment "A" (S-406). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 349

YEA - Adams, Annis, Austin, Barstow, Barube, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Browne W, Bryant-Deschenes, Campbell, Carr, Clark, Clough, Collins, Craven, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Dudley, Duplessie, Farrington, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Makas, Marley, Marraché, McCormick, McKenney, McLeod, Millett, Mills, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Patrick, Pilon, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Tardy, Thomas, Trahan, Valentino, Walcott, Webster, Woodbury, Mr. Speaker.

NAY - Ash, Babbidge, Beaudette, Bishop, Bryant, Burns, Cain, Canavan, Cebra, Churchill, Cressey, Duchesne, Dugay, Eberle, Eder, Edgecomb, Emery, Faircloth, Finch, Fischer, Gerzofsky, Goldman, Grose, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lindell, Lundeen, Marean, Mazurek, McFadden, McKane, Merrill, Miller, Moody, Norton, Paradis, Percy, Perry, Pineau, Pingree, Piotti, Plummer, Rosen, Schatz, Smith W, Sykes, Thompson, Tuttle, Twomey, Vaughan, Watson, Wheeler.

ABSENT - Bierman, Bliss, Brannigan, Brown R, Crosby, Dunn, Duprey, Joy, Pelletier-Simpson.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly House Amendment "B" (H-720) to Committee Amendment "A" (S-406) was INDEFINITELY POSTPONED.

Representative GLYNN of South Portland PRESENTED House Amendment "D" (H-722) to Committee Amendment "A" (S-406), which was READ by the Clerk.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment before the body is a very simple one. It doesn't deal with adding more issues to be funded. It doesn't deal with subtracting issues

to be funded. It leaves the items that we were discussing in the bond package the same. What it speaks to is a different issue and that issue is of funding. Should we borrow the money? Should we send it out to the voters or should we pay for it with cash in hand, with money that we have? That is the question that is before this body with this amendment.

My answer to that question is that if we have the money in hand and it's undesignated and we have identified this need then, in fact, yes we should pay for it and there is no need to go into debt and indebt the next generation.

Many of you may remember that on July 14 the Governor's Office sent out a press release that we all received copies of, indicating that we ended the year with a \$75.2 million surplus. In the release that the Chief Executive, Governor Baldacci put out, he credited his administration with saving these funds in the course of the year. Well, that got some constituents in my district thinking and they approached me and said, "Gees Representative Glenn, if we have got \$75 million a year and it has not been spoken for than why are we going to float all of this money in bonds. Why don't you people in Augusta pay for it with the money that you have in hand?" So, I did some research. Come to find out it wasn't exactly as the press release stated. There really wasn't \$75 million in undesignated surplus. The actual number is \$6.6 million of unappropriated surplus. Those moneys are going to other things. Twenty seven point one million is going to be budgeted as resource in fiscal year '06. Seven point one million is going to the Baxter Compensation Fund. Six point five million is going to General Fund operating capital, working capital. Thirteen point one million is going to the Budget Stabilization Fund. Thirteen point one is going to the Retirement Allowance Fund. One million dollars of is for the Loan Insurance Fund and then additional monies to the contingency accounts.

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

Representative MILLS: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I raise a point of order regarding whether or not this amendment is properly before the body. The Governor's proclamation calls us in to discuss bond authorizations not statutory amendments such as this. The proposed amendment deals with budgeting and it proposes to amend the budget document already enacted and I wonder of that is properly before the body Sir?

Representative MILLS of Farmington asked the chair to rule if House Amendment "D" (H-722) to Committee Amendment "A" (S-406) was properly before the body.

The SPEAKER: The Representative from Farmington, Representative Mills has questioned whether House Amendment "D" with a filing number of (H-722) is properly before the body. After review and consultation the Chair rules that House Amendment "D" with a filing number of (H-722) is not properly before the body. The Same checklist used in a prior occasion will be used in this instance.

The first question is whether the amendment deals with a different topic or subject. The Chair has ruled that in addition to a bond proposal or a subtraction from a bond proposal both of which are properly before this body, half the amendment that was proposed deals with using general fund appropriations as opposed to a bond measure. That makes it not properly before the body.

The second criterion is does the amendment unreasonably or unduly expand the subject of the bill. The answer in the Chair's opinion is that it does because it doesn't give proper notice with

respect to the bond proposal to the public or to the membership of the Appropriations Committee.

Third, would the amendment introduce an independent question? The answer that the Chair rules is in the affirmative based on the fact that the independent question is whether to use a straight appropriation or whether to use a bond for this matter. As a result the Chair rules that House Amendment "D" with a filing number of (H-722) is not properly before the body.

The Chair RULED the Amendment was not properly before the body.

Representative BOWLES of Sanford REQUESTED a roll call on the motion to ADOPT Committee Amendment "A" (S-406).

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 Adoption of Committee Amendment "A" (S-406). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 350

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pery, 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, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Cebra, Cressey, Crosthwaite, Glynn, Hamper, Lansley, Lewin, McKane, McLeod, Sykes, Thomas, Vaughan.

ABSENT - Bierman, Bliss, Brannigan, Brown R, Crosby, Dunn, Duprey, Joy, Lerman, Norton, Woodbury.

Yes, 128; No, 12; Absent, 11; Excused, 0.

128 having voted in the affirmative and 12 voted in the negative, with 11 being absent, and accordingly Committee Amendment "A" (S-406) 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-406)** in concurrence.

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

**ENACTORS
Bond Issue**

An Act To Authorize Bond Issues for Ratification by the Voters at the November 2005 Election

(S.P. 338) (L.D. 998)
(C. "A" S-406)

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

Representative CUMMINGS of Portland **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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 351

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, 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, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant-Deschenes, Cebra, Cressey, Crosthwaite, Glynn, Hamper, Lansley, Lewin, McKane, McLeod, Robinson, Sykes, Thomas, Vaughan.

ABSENT - Bierman, Bliss, Brannigan, Brown R, Crosby, Dunn, Duprey, Joy, Lerman.

Yes, 128; No, 14; Absent, 9; Excused, 0.

128 having voted in the affirmative and 14 voted in the negative, with 9 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call 348 on LD 1693, had I been present I would have voted yea.

The House recessed until 7:30 p.m.

(After Recess)

The House was called to order by the Speaker.

ENACTORS

Resolves

Resolve, Reauthorizing the Balance of the 1999 Land for Maine's Future Bond Issue

(H.P. 1204) (L.D. 1693)

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

SENATE PAPERS

The following Joint Order: (S.P. 647)

ORDERED, the House concurring, that any matter held over on the Special Appropriations Table pursuant to Joint Order 2005, Senate Paper 640, and not disposed of, is hereby held over to any special or regular session of the 122nd Legislature.

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

READ and **PASSED** in concurrence.

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

The Speaker appointed Representative CUMMINGS of Portland on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN E. BALDACCI, and inform him that the House had transacted all business before it and was ready to receive any communication that he may be pleased to make:

- Representative MARLEY of Portland
- Representative FISHER of Brewer
- Representative PARADIS of Frenchville
- Representative SAMPSON of Auburn
- Representative HOGAN of Old Orchard Beach
- Representative MAZUREK of Rockland
- Representative MCKENNEY of Cumberland
- Representative COLLINS of Wells
- Representative BROWNE of Vassalboro
- Representative THOMAS of Ripley

Subsequently, Representative CUMMINGS reported that he had delivered the message with which he was charged.

At this point, a message came from the Senate borne by Senator Gagnon of that Body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative WHEELER of Kittery, the House adjourned without day at 8:11 p.m., Friday, July 29, 2005.