

# 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  
SECOND REGULAR SESSION  
13th Legislative Day  
Thursday, February 2, 2006

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

Prayer by Pastor Robert Phillips, Glad Tidings Church of God, Medway.

National Anthem by Martin Swinger, Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

(H.P. 1027) (L.D. 1464)

(C. "B" H-730)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)** in the House on January 10, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) AND SENATE AMENDMENT "A" (S-441) in NON-CONCURRENCE.**

On motion of Representative MARLEY of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony"

(H.P. 1395) (L.D. 1993)

Sponsored by Representative FAIRCLOTH of Bangor.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: DUCHESNE of Hudson, HOTHAM of Dixfield, PATRICK of Rumford, VALENTINO of Saco, Senators: GAGNON of Kennebec, SCHNEIDER of Penobscot.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 51)

**ORDERED**, that Representative Christopher W. Babbidge of Kennebunk be excused Wednesday, January 25th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Christopher R. Barstow of Gorham be excused Tuesday, January 31 and Wednesday, February 1st for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Robert A. Berube of Lisbon be excused Wednesday, January 25th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Harold Ian Emery of Cutler be excused Tuesday, January 24th, Wednesday, January 25th and Thursday, January 26th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative David W. Farrington of Gorham be excused Wednesday, January 18 and Thursday, January 19th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Carol A. Grose of Woolwich be excused Thursday, January 26th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Jeff Kaelin of Winterport be excused Wednesday, January 25th, Thursday, January 26th and Tuesday, January 31st for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lisa T. Marraché of Waterville be excused Thursday, January 26th and Tuesday, January 31st for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Kimberley C. Rosen of Bucksport be excused Wednesday, January 25th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative James M. Schatz of Blue Hill be excused Wednesday, January 25th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Michael Sockalexis of the Penobscot Nation be excused Tuesday, January 17th and Wednesday, January 18th for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Douglas A. Thomas of Ripley be excused Wednesday, January 25th for health reasons.

**READ and PASSED.**

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 648) (L.D. 1694) Bill "An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account"

(H.P. 1272) (L.D. 1832) Bill "An Act To Prevent the Introduction of Chronic Wasting Disease" (EMERGENCY) (C. "A" H-742)

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

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

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**ENACTORS**

**Acts**

An Act To Amend the Operator's License and Nondriver Identification Card Requirements

(H.P. 376) (L.D. 501)

(C. "A" H-736)

An Act To Address Benefits for Employees and Officers of Credit Unions

(H.P. 1231) (L.D. 1723)

An Act To Update the Charter of the Lewiston and Auburn Railroad Company

(H.P. 1289) (L.D. 1849)

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

An Act To Establish a Maternal and Infant Death Review Panel

(H.P. 984) (L.D. 1420)  
(H. "A" H-739 to C. "A" H-728)

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

On motion of Representative HAMPER of Oxford, 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. 362**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Clark, Craven, Cummings, Curley, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Faircloth, Farrington, Flood, Gerzofsky, Goldman, Greeley, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lindell, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Rector, Rosen, Schatz, Simpson, Smith N, Smith W, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, 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, Crosby, Crosthwaite, Curtis, Dugay, Eder, Edgecomb, Finch, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lundeen, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Sampson, Seavey, Sherman, Shields, Sykes, Thomas, Trahan, Twomey, Vaughan.

**ABSENT** - Blanchette, Canavan, Emery, Fischer, Fisher, Lewin, McFadden, Merrill, Moulton, Pineau, Rines, Saviello, Stedman.

Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

**SENATE PAPERS**

The following Joint Order: (S.P. 770)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 7, 2006, at 10:00 in the morning.

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

Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

(S.P. 769) (L.D. 1991)

Bill "An Act To Protect the Confidentiality of Prescription Information"

(S.P. 771) (L.D. 1992)

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

**REPORTS OF COMMITTEE**

**Change of Committee**

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones" (EMERGENCY)

(S.P. 660) (L.D. 1743)

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

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

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

**SENATE PAPERS**

Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers

(S.P. 735) (L.D. 1934)

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

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

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative DAIGLE of Arundel to seat 110 and Representative LEWIN of Eliot to seat 132, effective Tuesday, February 7, 2006.

On motion of Representative FISCHER of Presque Isle, the House adjourned at 10:54 a.m., until 10:00 a.m., Tuesday, February 7, 2006 pursuant to the Joint Order (S.P. 770) and in honor and lasting tribute to B. Jean Harding, of Presque Isle and the Honorable Arthur C. Gordon, Jr., of Westbrook.