

# 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  
14th Legislative Day  
Tuesday, February 7, 2006

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

Prayer by Father Louis Phillips, Augusta/Gardiner Catholic Parishes.

National Anthem by Ashley DiGiulian, Boothbay Harbor.

Pledge of Allegiance.

The Journal of Thursday, February 2, 2006 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 363)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

February 2, 2006

Honorable Millicent M. MacFarland  
Clerk of the House

2 State House Station  
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under 5 MRSA, §168-A, I have appointed Sadie Fenton of Jonesport to the Legislative Youth Advisory Council, representing high school students.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/John Richardson

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 364)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

February 1, 2006

Honorable Millicent M. MacFarland  
Clerk of the House

2 State House Station  
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under 5 MRSA, §168-A, I have appointed Hannah Stein of Portland to the Legislative Youth Advisory Council, representing high school students.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/John Richardson

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 365)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

February 2, 2006

Honorable Millicent M. MacFarland  
Clerk of the House

2 State House Station  
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under 5 MRSA, §168-A, I have appointed Autumn Woodward of Harrington to the Legislative Youth Advisory Council, representing high school students.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/John Richardson

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**HEALTH AND HUMAN SERVICES**

Bill "An Act To Preserve Patient Records"

(H.P. 1396) (L.D. 1994)

Sponsored by Representative SMITH of Van Buren.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: MARRACHÉ of Waterville, MAZUREK of Rockland, PERRY of Calais.

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

Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Ensure Efficiencies in the Billing and Delivery of Outpatient Clinical Services

(H.P. 1397) (L.D. 1995)

Sponsored by Representative BURNS of Berwick.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: BRAUTIGAM of Falmouth, DRISCOLL of Westbrook, FAIRCLOTH of Bangor, GROSE of Woolwich, MARRACHÉ of Waterville, MILLER of Somerville, WALCOTT of Lewiston, WEBSTER of Freeport.

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

Bill "An Act To Ensure Appropriate Reimbursement of Rising Energy Costs for Long-term Care Facilities" (EMERGENCY)

(H.P. 1402) (L.D. 2000)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by Representative: PINGREE of North Haven, Senator: MAYO of Sagadahoc.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**JUDICIARY**

Bill "An Act To Prevent Unauthorized Practice of Immigration and Nationality Law"

(H.P. 1398) (L.D. 1996)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Representative: TARDY of Newport.

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

**TRANSPORTATION**

Bill "An Act To Amend the Laws Dealing with a Work-restricted License"

(H.P. 1399) (L.D. 1997)

Sponsored by Representative JACKSON of Allagash.  
Cosponsored by Senator MARTIN of Aroostook and Representatives: HOGAN of Old Orchard Beach, MAZUREK of Rockland, PARADIS of Frenchville, PATRICK of Rumford.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Grandfather Owners of Property with Respect To Highway Cuts"

(H.P. 1400) (L.D. 1998)

Sponsored by Representative JACKSON of Allagash.  
Cosponsored by Senator MARTIN of Aroostook and Representatives: HOGAN of Old Orchard Beach, MARLEY of Portland, MAZUREK of Rockland, PARADIS of Frenchville, PATRICK of Rumford, SMITH of Van Buren.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative BLANCHETTE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Criminal Law Advisory Commission"

(H.P. 1403) (L.D. 2001)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute**

**Department of Administrative and Financial Services**

Representative BARSTOW for the **Department of Administrative and Financial Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services (**EMERGENCY**)

(H.P. 1401) (L.D. 1999)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1212) (L.D. 1705) Bill "An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 352) (L.D. 477) Bill "An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-743)**

(H.P. 1244) (L.D. 1736) Bill "An Act To Amend the Charter of the Boothbay Harbor Sewer District" (**EMERGENCY**) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-745)**

(H.P. 1273) (L.D. 1833) Bill "An Act To Change the Charter of the Saint Francis Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-746)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**ENACTORS**

**Acts**

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

(S.P. 648) (L.D. 1694)

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.

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

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

The House recessed until 11:15 a.m.

(After Recess)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-744)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Department of Labor Building at 19 Union Street in Augusta

(H.P. 1311) (L.D. 1871)

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

Representatives:

MOULTON of York  
HARLOW of Portland  
BISHOP of Boothbay  
CROSTHWAITE of Ellsworth  
BARSTOW of Gorham  
BLANCHARD of Old Town  
SCHATZ of Blue Hill

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

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville  
BROWNE of Vassalboro  
MUSE of Fryeburg

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-744)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, February 8, 2006.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 672) (L.D. 1755) Bill "An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-442)**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 2, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**SENATE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (S-438) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (S-439) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act Regarding Interscholastic Athletics"**

(S.P. 26) (L.D. 84)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)**.

**TABLED - February 1, 2006 (Till Later Today)** by Representative CUMMINGS of Portland.

**PENDING - Motion of Representative NORTON of Bangor to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.** (Roll Call Ordered)

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

**ROLL CALL NO. 363**

**YEA** - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Blanchard, Blanchette, Bliss, Bowen, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Clark, Crosby, Cummings, Curley, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Jackson, Jennings, Koffman, Lansley, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Millett, Mills, Moody, Moore G, Norton, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Rines, Rosen, Schatz, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Bierman, Bishop, Bowles, Brown R, Browne W, Carr, Churchill, Clough, Collins, Craven, Cressey, Crosthwaite, Curtis, Davis K, Duprey, Fletcher, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Makas, McFadden, McKane, McKenney, McLeod, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Sampson, Saviello, Seavey, Sherman, Shields, Stedman, Thomas, Trahan, Vaughan, Walcott.

**ABSENT** - Brannigan, Bryant-Deschenes, Emery, Hutton, Lerman, Tuttle.

Yes, 93; No, 52; Absent, 6; Excused, 0.

93 having voted in the affirmative and 52 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-438)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 8, 2006.

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Pursuant to his authority under House Rule 401.1, the Chair assigned Representative SCHATZ of Blue Hill to seat 5 and Representative CAIN of Orono to seat 46, effective immediately.

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

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On motion of Representative JACKSON of Allagash, the House adjourned at 11:38 a.m., until 10:00 a.m., Wednesday, February 8, 2006 in honor and lasting tribute to Garfield C. King, of Fort Kent.