

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

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January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 9, 2006

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

Prayer by Reverend David Johnston, Fairfield First Baptist Church.

National Anthem by Yarmouth Middle School Band.

Pledge of Allegiance.

Doctor of the day, R. Samuel Cady, M.D., Yarmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

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

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

REFERRED to the Committee on **TRANSPORTATION** in the House on February 7, 2006.

Came from the Senate **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

On motion of Representative MARLEY of Portland, **TABLED** pending **FURTHER CONSIDERATION** and specially assigned for Tuesday, February, 14, 2006.

COMMUNICATIONS

The Following Communication: (H.C. 370)

STATE OF MAINE

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

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1716 An Act To Require Presentence Investigations of All Persons Convicted of a Sex Offense

L.D. 1722 An Act To Expand the List of Prior Crimes That May Be Considered When Determining Whether a Person Is a Repeat Sexual Assault Offender

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Patricia A. Blanchette

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 371)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 162 An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land

L.D. 1288 An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System

L.D. 1372 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights

L.D. 1455 An Act To Codify Public Records Exceptions

L.D. 1569 An Act To Abolish the Maine Indian Tribal-State Commission

L.D. 1726 An Act To Allocate Child Support Appropriately

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 372)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1921 An Act To Enable Local Adult Education Programs To Play a Greater Role in Helping Dislocated Workers

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

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. William J. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 373)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

February 3, 2006

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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1929 An Act To Strengthen Maine's Craft Brewing Industry

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

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 374)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

February 3, 2006

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 bill out "Ought Not to Pass":

L.D. 1836 An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property

We have also notified the sponsor and cosponsors 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.

The Following Communication: (H.C. 375)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 3, 2006

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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1731 An Act To Require That New Road Construction or Repair Include Sidewalks or Bikeways or Both

L.D. 1732 An Act To Protect Real Estate Values Impaired by Railroad Operations BY REQUEST

L.D. 1773 An Act To Improve the Process for Issuing Duplicate Motor Vehicle Certificates of Title

L.D. 1816 An Act To Clarify the Intent of the Law That Allows Retired Firefighters To Retain Their Firefighter License Plates

L.D. 1869 An Act To Allow Businesses To Place a Sign at the Topsham Mall Exit on Interstate 295

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 376)

STATE OF MAINE

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

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1829 An Act To Allow for Access to Digital Phone Service for Customers in Rural Areas

L.D. 1913 An Act To Designate the Department of Health and Human Services as the Sole Entity Entitled To Use the 2-1-1 Telephone Number

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

Sincerely,

S/Sen. Philip L. Bartlett II

Senate Chair

S/Rep. Lawrence Bliss

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 377)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 3, 2006

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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1839 An Act To Clarify the Accountability of Advanced Practice Registered Nurses

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

Sincerely,
S/Sen. Arthur F. Mayo, III
Senate Chair
S/Rep. Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 378)

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

February 3, 2006
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

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

L.D. 1669 Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State

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

Sincerely,
S/Sen. Scott W. Cowger
Senate Chair
S/Rep. Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 501)

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

February 8, 2006
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:
Please be advised the Senate today adhered to its previous action whereby it Failed to Pass Joint Order Directing the Joint Standing Committee on Legal and Veterans Affairs to Report a Bill Regarding Tribal Commercial Track and Slot Machines in Washington County (H.P. 1377).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 52)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused Thursday, February 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Duplessie of Westbrook be excused Tuesday, January 17th for legislative business.

AND BE IT FURTHER ORDERED, that Representative John Eder of Portland be excused Wednesday, February 1st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Thursday, February 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Randy E. Hotham of Dixfield be excused Thursday, January 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Troy D. Jackson of Allagash be excused Tuesday, January 17th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused Wednesday, February 1st and Thursday, February 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Janet T. Mills of Farmington be excused Thursday, January 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradley S. Moulton of York be excused Tuesday, January 31st, Wednesday, February 1st and Thursday, February 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused Tuesday, January 24th, Wednesday, January 25th, Thursday, January 26th, Tuesday, January 31st, Wednesday, February 1st and Thursday, February 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Vaughn A. Stedman of Hartland be excused Tuesday, January 31st, Wednesday, February 1st and Thursday, February 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Douglas A. Thomas of Ripley be excused Wednesday, February 1st for health reasons.

READ and PASSED.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

the Honorable Stanley R. Tupper, of Boothbay Harbor, former Member of the Maine House of Representatives and former Member of the United States House of Representatives. Mr. Tupper graduated from Hebron Academy and Middlebury College in Vermont. He served in the United States Navy from 1944 to 1946, and later earned a law degree from LaSalle Extension University in Chicago. He served in the Maine State Legislature from 1953 to 1954 and later held posts as Assistant Attorney General and State Commissioner of Sea and Shore Fisheries. Mr. Tupper served 3 terms in the United States House of Representatives from 1961 to 1967. He was appointed United States commissioner general with the rank of ambassador to the Canadian World Exhibition in 1967 and served on the International Commission for Northeast Atlantic Fisheries from 1975 to 1976. He returned to Maine after serving in Congress and shared a law practice with his wife, Jill Kaplan Tupper. We acknowledge his dedicated service to his community, his State and the Nation. He will be greatly missed and fondly remembered by his wife, his family and his many friends;

(HLS 1632)

Presented by Representative CUMMINGS of Portland.
 Cosponsored by Representative ADAMS of Portland, Senator ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BEAUDETTE of Biddeford, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BRYANT-DESCHENES of Turner, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Senator CLUKEY of Aroostook, Representative COLLINS of Wells, Senator COURTNEY of York, Senator COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Representative DAVIS of Augusta, Senator DAVIS of Piscataquis, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative EBERLE of South Portland, Representative EDER of Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Senator GAGNON of Kennebec, Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Senator HASTINGS of Oxford, Senator HOBBS of York, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACOBSEN of Waterboro, Representative JACKSON of Allagash, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LERMAN of Augusta, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston,

Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Representative MOODY of Manchester, Representative MOORE of Standish, Representative MOORE of the Passamaquoddy Tribe, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Representative SEAVEY of Kennebunkport, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Senator SNOWE-MELLO of Androscoggin, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WEBSTER of Freeport, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative BISHOP of Boothbay, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today the people's House is honored to recognize the life and accomplishments of one of its former members, the Honorable Stanley R. Tupper of Boothbay Harbor.

The name Tupper in our community has long stood for honesty, integrity and service to their fellow man. It is with great respect and pleasure that I can stand in front of you now and say that it was with great respect and pleasure that I sought and received Stan's informatuer before I ran for this office. It was a strong sign of Stan's generosity that he spent a probing and fascinating hour with me. For that special time with that humble, gracious and very wise man I will be forever thankful.

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. My wife Sandra and I were recruited into the Republican Party in 1964 by Stanley Tupper. He was a fine man, a charismatic politician who never lost an election and he was the only politician to defeat Ken Curtis. Congressman Tupper was an original thinker. He thought the United States should recognize Red China a decade before President Nixon made his famous trip to China and he transcended party Dogma and did not shrink from standing alone on issues that he felt deeply for.

His mind was a creative and restless mind. He surely believed in Emerson and Thoreau's words. He would be a man who would be a non-conformist. My wife Sandra and I felt that it was a privilege and a distinct honor to have been a volunteer in Congressman Tupper's campaign for the United States Congress. Thank you.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise too to sing the praises of the former congressman, the former legislator and the former member of the House of Representatives, Stanley R. Tupper. Some of you here knew Stan Tupper and some of you have perhaps only heard of him. To some he was an icon of the sixties; a three term Republican congressman who won reelection the first time despite being pitted against a very popular fellow and congressman named Peter Garland when Maine had lost a congressional district following reapportionment; a Republican who later won reelection in a year when nearly all other Republican office holders saw defeat; an iconoclast who clearly stood apart from the rest.

I visited with Stan Tupper last summer in his modest law office in the middle of Boothbay Harbor, in the back of a Cape Cod house with sparse furniture and the office walls lined with old style paneling, with the small streets of the town teeming with tourists and with the fresh smell of the ocean, the sky misty and shops crazed with summer heat. I found myself in downtown Boothbay Harbor having bought more t-shirts than I care to number, foolish ones that said things like, "Boothbay Harbor, a drinking village with a fishing problem." Yes, I bought that.

With no more shopping to do and no more clams to mangle and no more sales to gaze upon I stopped in to see Stan Tupper and "chew the fat" a while. Stan, whose name is synonymous with Boothbay Harbor and an individual who was steadfast as the town's sturdy old growth spruce and granite shore and as affable and good natured as the gulls that happily wing along that shore and as practical and hard working as the local lobsterman and laborers who ply their trade in the markets and the sea nearby, someone who, like them, never expected a life of comfort, but who lived a life of well earned beauty.

Tall slim and youthful as ever, Stan and I talked about state and local politics, we talked about the national scene, about his feelings about the political establishment; the current administration in Washington, his accomplishments and his disappointments in the highs and lows of his own life. He was as

outspoken as ever about the events of the day: the war in Iraq, his support for John McCain four years earlier.

I knew about his interesting career having appeared on a couple of talk shows with him and having talked on the phone occasionally and I knew that he had been one of the last people to have qualified to practice law in Maine by reading for the law and never spending a single day inside a law school classroom. I knew that he had served in this body back in 1953 where he had proven to be a fierce supporter of the fishing industry. I knew that he was what they call a "Rockefeller Republican"; that he had been strongly allied with former New York Mayor, John Lindsey in Congress and that he had criticized the war in Vietnam when few others had spoken up, that he supported President Johnson's anti-poverty programs and that in recent years he had helped organized three referenda to close Maine Yankee. He served on the US Civil Rights Advisory Committee, had sometimes defied his party and the special interests and had always stood strong in the public's esteem. He always remembered his roots, even when far from home. He always voted his conscience with his constituents in mind and I said to myself, "Thank God for Stanley R. Tupper."

I knew that he was loyal to his town, to his party, to his country, but that he was open minded and independent. I knew that while in Congress, and despite his opposition to the war, despite the fact that he had already served several years in the US Navy in World War II, Stan Tupper enlisted as a Major in the US Air Force Reserves where he served on active duty while in Congress in the Squadron of US Senator and two-star General Barry Goldwater. I knew that later on Stan Tupper was the only Republican office holder in the State of Maine to refuse to endorse his good friend Barry Goldwater, the Party's nominee for president. I knew that he was harassed by extremists in this state for doing so and was even spat upon in public. When he got hate mail from people for his position he said publicly, "I acknowledge all of the letters and to those who have signed their own names, I reply that they are entitled to their own views," and then, remarkably, he was the only major Republican office holder in Maine to win reelection that fateful year of 1964 beating out Ken Curtis by a mere 203 votes. Ken Curtis remained his dear friend right up until the end of Stan Tupper's life.

I remember that year because it was also the year that my father decided to run for the State Senate making a comeback. He figured it would be an easy road. Franklin County is a republican area and the poor guy lost by 83 votes to a Democratic bartender from North Jay. He came back later however. Yet it was Senator Barry Goldwater who wrote to Stan Tupper following that election and who thanked him for sticking by him as a friend even though he couldn't support him. He praised Tupper for his consistent honesty and I thought to myself, "Thank God for Stanley R. Tupper."

I knew that Stan Tupper had retired from the Congress of the United States of his own accord at a time when poles showed his popularity to be at an all time high; when most people would take comfort in a secure reelection and the perks of office, the prospects of congressional seniority and the darn good pension to follow. Stan Tupper said, "Longevity in public office is not necessarily a virtue." And, he called for the next generation of political leaders to place more emphasis on excellence and creativity then on seniority – prophetic statement perhaps being made in 1967. He quit when he was ahead. How many people do we know who might spend three terms in Congress and then just up and leave? Surely it takes someone who knows who he or she is, a son or daughter of Maine who knows their own soul to make such a move. Even after Tupper had quit congress in 1968 columnist Jim Brunell quoted one of the party regulars as

saying about him that "He is the only figure in the Maine political scene, including Muskie, who generates a real sense of excitement."

Last summer he and I talked about his years in Augusta, his years in Washington, his family, the practice of law in Boothbay Harbor and he told me that I should go into probate law. I said I will leave that to Representative Moulton and he said however that the work is steady, the cases are moderately lucrative and the clientele is secure. I kind of scoffed, but I listened on. He talked about his grandfather who had been a member of the State Senate many years before, who came from Starks and who was County Attorney in Lincoln County and for a brief time Attorney General of this state. He talked about having served as Commissioner of Sea and Shores Fisheries for four years and how he had to serve with the title Chief Warden because they had not invented the term Commissioner yet.

When I asked, with some timidity, what he considered to be the greatest accomplishment of his life and his fondest achievement, he did not say that his highest achievement was serving three terms in the US Congress and that he had never lost an election, he did not say that he was most proud of having persuaded President Kennedy to fund a Coast Guard station at West Boothbay Harbor, he did not say it was having helped pass the historic Civil Rights Act of 1964, although I am sure that it must have crossed his mind. He did not say that it was having helped the Voting Rights Act of 1965, putting that historic measure over the top; he didn't say that he was most proud of achieving the rank of Ambassador during the Montreal Exposition of 1965 or writing a book about US/Canadian relations. His two highest achievements that he mentioned were his family, of whom he was immensely proud, a son, a daughter and a wife who herself went to law school late in life and made her own name in that profession and the other major achievement was his critical support of the Medicare Act of 1965, which was then called the Lindsey Tupper Medical Care Bill. He recalled how he bucked his party to be one of only six republican members of congress to vote for this measure and one of only two to actually co-sponsor it. And, of how he and our own Senator Margaret Chase Smith helped that bill become law, how he was vilified by the press and by the medical establishment. Hospitals and doctors who condemned Medicare as some awful form of government intrusion into private lives and the business of healthcare as some form of abhorrent socialized medicine. He told me with great pride, as though it were yesterday, how he went out on a limb, how he took on the establishment, how he managed to get himself invited to speak at the American Medical Association convention that year, without a friend in the room. He said that it was like being a gun control advocate at an NRA convention. He told me how he patiently explained to them, because he had studied the measure very hard, exactly what the legislation did and didn't do and how it would save lives and how it would keep seniors healthy and how it might even become an economic mainstay of our culture in the decades to come and they sat on their hands, they hated him, they hated his ideas. But he had faced them down. He took the wrath of his compatriots and his party and he was condemned by many, but like someone raised to brave life's waves and not roll over during a storm, he stood his ground, knew he was right and history has proved him so.

Who today would dare repeal the great Medicare program, to turn back the clock and leave senior citizens to fend for themselves for critical healthcare? Who in this room would ever vote against Medicare for seniors? I thought as I listened to him tell this story, "Thank God for Stanley R. Tupper."

Stan Tupper went on in Congress to cast the deciding vote for the mild mannered Republican Gerald Ford against a much more conservative and aggressive candidate for Republican leadership, a position that later catapulted Ford into the Vice Presidency and of course later into the Office of President after Richard Nixon resigned.

Never shy of controversy, Tupper once stated, "I know that I have infuriated many people, but I don't think that I have ever bored anyone." Eighteen years ago Stan Tupper chaired a commission to study ethics in state government, a document that we might well read again today, after there were some legislative controversies. Quoting Sophocles, Tupper said, "There is no accuser so powerful as the conscience that dwells within us." He knew his own conscience and followed it throughout his public life, set an example for civility and respect for others while charting his own course until his life was put into its safe and final harbor.

Stan died last month at the age of 84. At the time of his death he was unenrolled, still I say, "Thank God for Stanley R. Tupper." May God keep him and God rest his soul.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Stanley R. Tupper, of Boothbay Harbor.

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

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Standardized Testing in Maine" (EMERGENCY) (S.P. 715) (L.D. 1798)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
EDGECOMB of Caribou
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
CAIN of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-436)** on same Bill.

Signed:

Representatives:

STEDMAN of Hartland
LANSLEY of Sabattus
MERRILL of Appleton

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

On motion of Representative NORTON of Bangor, the Majority Ought Not to Pass Report was **ACCEPTED**.

On motion of Representative STEDMAN of Hartland, the House **RECONSIDERED** its action whereby the Majority Ought Not to Pass Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This may be a conversation that has no ending, but that may also be unable to change things that are in force right now. But, as you can see, I am on the Minority Report for this particular bill. This bill asks that we delay the implementation of any new grade 11 testing plan for a year until it is worked out properly and goes through the proper channels to get approved by this body. Contrary to that, the Commissioner took it upon herself, as required by law, to develop a plan because they had abandoned the MEAs this year and didn't have one developed to be used and it would have left us out of compliance with No Child Left Behind by not having a testing program for juniors. The upshot of that is that we might lose federal funding for grade 11 testing from the federal government that would amount to \$1.1 million. The total assessment from the federal government is \$4 million.

I guess that my main objection to this whole plan is how it went down. The Commissioner is required to have a plan for grade 11 testing. The Commissioner is also permitted to develop an alternative plan, but that was interpreted by the Commissioner and people in the education department that she had the right to go ahead and develop the plan and put it into effect without bringing it back to the Legislature for any kind of decision making. So, we are in this bind now where we have no plan other than the SAT to be used as a testing program for this year. I just feel that this is the wrong way to be doing things in this government and I think that we should be going through the legislative process to get changes in laws and changes in rules approved, especially when there as serious as this particular bill is. That is my reason for being on the Ought to Pass as Amended Report, the amendment is the fiscal note and does refer to the potential for losing federal funds for assessment of grade 11 students. I would like to have you consider this dilemma that I see we are in with this program. I do not feel, personally, that the SAT, even though it will be rewritten this year, will be designed to test Maine Learning Results. I don't understand how we are going to get a national test modified in any way that is going to accommodate the State of Maine specifically. The SAT is an aptitude test, not an accumulation of knowledge test and to use it as a way testing how our students are doing academically in subject matter is outside my ability to understand. We are assured that it is going to be modified, but I can't understand that if it is a national test to be used by millions of students how it will be adapted to the Maine program needs and still do the job that it is supposed to do nationally. I understand that the program itself is going to require that students be required to attend testing at several testing sites around the state on a Saturday and that means that every district is going to have to collect these students up, get them to these test sights and transport them back home again. There is an alternative to that and that is a makeup date during a midweek time. Now I can understand that there is a possibility that alot of students will not want to take it on a Saturday and give up their Saturday and would be very willing to give up a school day for the makeup. You can think about that one.

Also, this is an expense, which has not been computed into the process for local systems to be able to do this kind of program, as far as the transportation and gathering of these students together. I just think that it is an ill devised plan and

needs to be worked on more and I don't know what our alternative is, but I just think that this is a very poor way of handling such an important issue as far as the use of learning results and also the assessment of that learning results process. Thank you, Mr. Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 1209) (L.D. 1702) Bill "An Act To Increase Efficiency in Truck Hauling" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 655) (L.D. 1738) Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY)

(S.P. 669) (L.D. 1752) Bill "An Act Regarding Licensure Requirements for Nurses"

(S.P. 673) (L.D. 1756) Bill "An Act To Address Emergency Licensure Procedures"

(S.P. 721) (L.D. 1804) Bill "An Act To Amend the Debt Collection Law"

(H.P. 1229) (L.D. 1721) Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders

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

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:

UNFINISHED BUSINESS

The following matter, 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.

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)

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

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

TABLED - February 2, 2006 (Till Later Today) by Representative MARLEY of Portland.

PENDING - FURTHER CONSIDERATION.

On motion of Representative MCKENNEY of Cumberland, the House RECEDE.

The same Representative PRESENTED House Amendment "A" (H-747), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sometimes around here we do things that are way more complicated than we need to and this is one of those examples. This bill before you came to us as a very simple request from the Secretary of State's Office to put some teeth into the statute regarding those little tiny motorized toys that some people call pocket bikes. There is really no effective way to regulate these and they are dangerous to be on the street with. The bill that was before you, LD 1464, was a Unanimous Report out of committee, went under the hammer in this body, and a member of the other body put an amendment on it that completely negates the bill. In other words, if he his amendment passes or the bill fails, the result is the same. There is no method of enforcement for these motorized toys that are dangerous to have on the street.

Some parents buy these toys and then don't provide any adequate supervision. Instead they rely on these things as mechanical babysitters and put them out on the street. This amendment would change that and put it back to the original intent of the statute that went before the committee and I hope that you accept it. Thank you.

Subsequently, House Amendment "A" (H-747) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-730) and House Amendment "A" (H-747) in NON-CONCURRENCE and sent for concurrence.

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

ENACTORS Acts

An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services

(H.P. 1219) (L.D. 1712)
(C. "A" H-741)

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 Order: (S.P. 775)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 14, 2006, at 10:00 in the morning.

Came from the Senate, READ and PASSED.

READ and PASSED in concurrence.

Resolve, Regarding a Monument for Women Veterans of Maine (EMERGENCY)

(S.P. 776) (L.D. 2013)

Came from the Senate, REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and ordered printed.

REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 741) (L.D. 1942) Bill "An Act To Change the Name of Little Island to Chickering Island" Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass

(S.P. 657) (L.D. 1740) Bill "An Act To Establish the Athens Standard Water District" Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (S-444)

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

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

On motion of Representative BISHOP of Boothbay, the House adjourned at 11:18 a.m., until 10:00 a.m., Tuesday, February 14, 2006 pursuant to the Joint Order (S.P. 775) and in honor and lasting tribute to the Honorable Stanley R. Tupper, of Boothbay Harbor.