

MAINE STATE LEGISLATURE

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

Volume II

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May 26, 2005 – June 17, 2005

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
18th Legislative Day
Thursday, February 16, 2006

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

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Erskine Academy A Cappella Trio, South China.

Pledge of Allegiance.

Doctor of the day, Edward Pontius, M.D., Topsham.

The Journal of Tuesday, February 14, 2006 was read and approved.

SENATE PAPERS

Resolve, To Name the New Bridge over the Penobscot River
(S.P. 766) (L.D. 1986)

Came from the Senate, REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 379)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 13, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1876 An Act To Inform Parents of Students' Privacy Rights

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

Sincerely,

S/Sen. Elizabeth H. Mitchell

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 380)

STATE OF MAINE

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

February 13, 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 bills out "Ought Not to Pass":

L.D. 1754 An Act To Give the Commissioner of Health and Human Services Administrative Subpoena Authority

L.D. 1928 An Act Permitting the Recycling of Unused Prescription Drugs

We have also notified the sponsors and cosponsors of each bill listed 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. 381)

STATE OF MAINE

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

February 13, 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. 1937 An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford

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.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Extend the Corrections Alternatives Advisory Committee" (EMERGENCY)

(H.P. 1416) (L.D. 2016)

Sponsored by Representative BLANCHETTE of Bangor. (GOVERNOR'S BILL)

Cosponsored by Senator DIAMOND of Cumberland and Representatives: CHURCHILL of Washburn, GERZOFISKY of Brunswick, PLUMMER of Windham, SYKES of Harrison.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills"

(H.P. 1418) (L.D. 2018)

Sponsored by Representative KAELEN of Winterport.

Cosponsored by Senator WESTON of Waldo.

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

Committee on UTILITIES AND ENERGY suggested and ordered printed.

REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Resolution: (H.P. 1419) (Cosponsored by Senator MAYO of Sagadahoc and Representatives: BURNS of Berwick, CAMPBELL of Newfield, CUMMINGS of Portland, MILLER of Somerville, PINGREE of North Haven, Speaker RICHARDSON of Brunswick, SHIELDS of Auburn, WALCOTT of Lewiston, WEBSTER of Freeport)

JOINT RESOLUTION RECOGNIZING THE LAST WEEK OF FEBRUARY AS NATIONAL EATING DISORDERS AWARENESS WEEK

WHEREAS, the week of February 26, 2006 to March 4, 2006 is the 19th annual National Eating Disorders Awareness Week, devoted to helping individuals feel at ease with their natural size and addressing the fact that eating disorders are serious illnesses, not choices; and

WHEREAS, this year's National Eating Disorders Awareness Week will highlight the message that body size and shape are strongly influenced by biological factors and that too often individuals struggle against their natural, genetically influenced size, which leads to unhealthy dieting practices, poor body image and sometimes eating disorders; and

WHEREAS, the National Eating Disorders Association maintains that while it is possible to adopt a healthy lifestyle and have healthy goals to be fit for your particular body type, it is not possible to change your genetic heritage; and

WHEREAS, the Maine Legislature has been concerned with the issue of eating disorders and their effects on people of all ages in the State, and recently enacted Resolve 2005, chapter 33, which requires a study of and a report on this subject; and

WHEREAS, the resolve directed the Department of Health and Human Services to convene an eating disorders work group to develop a partnership between the department and hospitals to prevent, identify and treat eating disorders; and

WHEREAS, on November 2, 2005 the Department of Health and Human Services eating disorders work group submitted a report entitled "Eating Disorders Legislative Report" and made several recommendations, including the need to increase awareness of the problem of eating disorders at the state and local levels; and

WHEREAS, we take this opportunity to encourage the citizens of Maine to join people throughout the nation to spread this year's message about the powerful influence of genetics on our physical and mental health; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, declare the week of February 26, 2006 to March 4, 2006 to be National Eating Disorders Awareness Week in the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services and the Department of Education in support of their efforts to educate and help the people of this State regarding the deadly problem of eating disorders.

READ.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: A year ago in September I went through something that will remain with me as long as I live. I watched my healthy 13-year-old daughter go from 95 pounds down to 70 pounds in less than two months. She was starving herself to death. My wife and I took our daughter, Megan, to a primary care physician who arranged an appointment the following week at Mercy Hospital in the eating disorders program. During that week, my daughter's condition worsened. Her blood pressure and pulse dropped to a point where I thought that we were going to lose her. That is why I am here today. This situation is only going to get worse in today's society unless something is done and that is why I am here today.

I would like to thank the Committee on Health and Human Services for all their help on this issue. We had passed a bill last year, LD 239; a resolve to create a program for young women with eating disorders. There will be a recommendation for a small appropriation in this year's budget that will, I hope, gain financial approval before the Appropriations Committee. I would ask that the Speaker recognize members in the gallery who have been on that committee and who have worked long and hard on this issue. They will be available today in the Hall of Flags to discuss the results of The Eating Disorders Study Workgroup. Mr. Speaker, I request that the Clerk would read the order.

Representative TUTTLE of Sanford REQUESTED that the Clerk READ the Joint Resolution.

The Clerk READ the Joint Resolution in its entirety.

Subsequently, the Joint Resolution was ADOPTED and sent for concurrence.

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

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 53)

ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Tuesday, February 7th and Wednesday, February 8th for health reasons and Thursday, February 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John L. Patrick of Rumford be excused Thursday, January 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused Thursday, February 9th for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the League of United Latin American Citizens, known as LULAC, and the Maine chapter of this organization on its 77th Anniversary, and for its excellent work on behalf of equality, economic improvement, educational attainment and civil rights for our Hispanic population. The league is the largest, oldest and most successful Hispanic civil rights and service organization in the United States. Maine's chapter was established 8 years ago. Members throughout the nation have developed a tremendous track record of success in advancing the conditions and rights of the Hispanic population of the United States. We extend our congratulations and best wishes to the members of LULAC in Maine and throughout the nation on this anniversary;

(HLS 1647)

Presented by Representative BLISS of South Portland. Cosponsored by Senator BRENNAN of Cumberland, Senator MAYO of Sagadahoc, Representative HUTTON of Bowdoinham, Representative DUDLEY of Portland, Representative JACKSON of Allagash, Representative HARLOW of Portland, Representative EBERLE of South Portland, Representative EDER of Portland, Representative DUPLESSIE of Westbrook, Representative SOCKALEXIS of the Penobscot Nation, Representative MARLEY of Portland, Representative MOORE of the Passamaquoddy Tribe.

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

READ.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is impossible for me to describe what I have seen of the work of this organization and how I impressed I am with their hard work among the neediest people in this country and many of you know that, surprise, I was not born and raised in Maine, but, in fact, moved here from California.

In San Francisco LULAC has been an extremely active organization promoting valuable projects for a significantly larger Hispanic population than we have here in Maine. Everything that they do from soup banks to free clinics to voter registration drives to organizing efforts to career fairs is all designed to help Hispanic people who sometimes struggle with our language and usually struggle with socialization in this strange new country. Help them to get on their feet and move forward.

I was extremely pleased to learn that eight years ago a LULAC chapter was founded here in Maine and more excited about the fact that the President of Maine's LULAC chapter is a constituent of mine in South Portland. They are an extremely hard working group, here and nationally. Even though today is not their 77th anniversary, it is actually tomorrow, I would hope that you would join me in congratulating them on their hard work here and across the country on behalf of our Hispanic citizens. Thank you Mr. Speaker.

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

Recognizing:

Herbert Sargent, of Old Town, on the occasion of his 100th birthday, February 22, 2006. In the early 1920s, Mr. Sargent purchased his first Reo gravel truck, which led to his owning and operating H.E. Sargent Construction Company. He worked on

road projects in the State, built airports and runways for the Department of Defense during World War II and was the first contractor to work on the Maine Turnpike. He married his high school sweetheart, Amber Warren, and they had 5 children, Anita, Virginia, James, Calista and Marvia. He enjoys his children, grandchildren and great-grandchildren. We extend our congratulations and best wishes to Mr. Sargent on this special occasion;

(HLS 1649)

Presented by Representative BLANCHARD of Old Town.

Cosponsored by Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative BLANCHARD of Old Town, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel very honored to be able to speak of this wonderful man. He is so humble that we probably would have had to take one of his bulldozers to bring him here today, but I would like to say a few more words about his life.

Herb Sargent was born February 22, 1906 in the small town of Alton where his dad, James Sargent, ran a small saw mill. He attended schools in the area and then in 1925 graduated from Milo High School. In the fall of that year he entered the University of Maine. That summer he purchased his first real truck and one of his first jobs was hauling gravel to the University of Maine field house, which was being constructed that summer. However, he did not return to the University that fall due to an injury. Instead he purchased his second truck and went on into this trucking business. With this in mind, he began to purchase more trucks, power shovels and bulldozers and started the H.E. Sargent Construction Company.

When one thinks of Herb Sargent, you must look at a man of vision and distinction that he brought to the road construction business. You must look at a man who was generous and helpful. He always was the first to come forward and he would aid in monetary gifts and valuable guidance to any of the area projects such as the Old Town museum, the Old Town Public Library and his large contributions to many local organizations and fundraisers, especially down at the YMCA and as a member of the Board of Directors he has given so much time and valuable advice to the YMCA.

Herb Sargent has had many happy times in his life, that of his marriage to his childhood sweetheart, Amber Warren; the birth of his five children, Anita, Virginia, James, Calista and Marvia; his grandchildren and his great grandchildren.

The growth of his company provided many jobs and economic growth to the area and to the state. In 2005, a happy day occurred in Herb Sargent's life. His grandson Herb Sargent, President of Sargent & Sargent purchased the H.E. Sargent Company, which had been sold some eighteen years prior to a French company doing business in Maine. Herb says he is retired but still visits the office everyday when he is not in Florida. He continues to take his usual walk around Stillwater and finds time to enjoy his children, grandchildren and great grandchildren at his favored summer home on Cold Stream Pond. Happy birthday to you, Herb Sargent, and thank you for all that you have given Old Town and the State of Maine.

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

REPORTS OF COMMITTEE

Refer to the Committee on Insurance and Financial Services Pursuant to Public Law

Representative PERRY for the **Joint Standing Committee on Insurance and Financial Services** on Bill "An Act To Amend the Notice of Risk to Personal Data Act"

(H.P. 1417) (L.D. 2017)

Reporting that it be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** pursuant to Public Law 2005, chapter 379, section 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**. Sent for concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County

(S.P. 459) (L.D. 1332)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus
CAIN of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-443)** on same Resolve.

Signed:

Representatives:

EDGECOMB of Caribou
MERRILL of Appleton

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

Representative GOLDMAN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative EDGECOMB of Caribou **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 367

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Clark, Clough, Collins, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gerzofsky, Goldman, Greeley, Grose, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen,

Makas, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, Miller, Millett, Mills, Moody, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Saviello, Seavey, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Brown R, Carr, Cebra, Churchill, Cressey, Crosthwaite, Davis K, Dugay, Edgecomb, Fletcher, Flood, Glynn, Hall, Hamper, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McFadden, McLeod, Merrill, Moore G, Moulton, Nass, Paradis, Rosen, Schatz, Sherman, Shields, Thomas, Trahan, Vaughan.

ABSENT - Berube, Bryant-Deschenes, Crosby, Emery, Hotham, Jackson, Muse, Norton, Pilon, Walcott, Woodbury.

Yes, 100; No, 40; Absent, 11; Excused, 0.

100 having voted in the affirmative and 40 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-750)** on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

(H.P. 653) (L.D. 934)

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

JENNINGS of Leeds
LUNDEEN of Mars Hill
TWOMEY of Biddeford
SHERMAN of Hodgdon

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

Signed:

Representatives:

PIOTTI of Unity
JODREY of Bethel
CARR of Lincoln
MAREAN of Hollis
FLOOD of Winthrop
EDGECOMB of Caribou

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "B" (H-755)** on Bill "An Act To Connect the BETR Program with Job Retention"

(H.P. 755) (L.D. 1102)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
DUDLEY of Portland
WATSON of Bath
HUTTON of Bowdoinham

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

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
SEAVEY of Kennebunkport
CLOUGH of Scarborough

READ.

Representative CLARK of Millinocket moved that the House
ACCEPT Report "A" Ought to Pass as Amended.

On further motion of the same Representative, **TABLED**
pending his motion to **ACCEPT Report "A" Ought to Pass as**
Amended and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1222) (L.D. 1715) Bill "An Act To Amend the Laws
Governing Employees of the Workers' Compensation Board"
Committee on **LABOR** reporting **Ought to Pass as Amended by**
Committee Amendment "A" (H-761)

(H.P. 1226) (L.D. 1719) Bill "An Act To Establish the
Administrative Operating Budget for the Maine State Retirement
System for the Fiscal Year Ending June 30, 2007"
(EMERGENCY) Committee on **LABOR** reporting **Ought to Pass**
as Amended by Committee Amendment "A" (H-762)

(H.P. 1242) (L.D. 1734) Bill "An Act To Increase Accessibility
to Health Insurance" Committee on **INSURANCE AND**
FINANCIAL SERVICES reporting **Ought to Pass as Amended**
by Committee Amendment "A" (H-758)

(H.P. 1267) (L.D. 1827) Bill "An Act To Clarify Prescription
Drug Labels" Committee on **BUSINESS, RESEARCH AND**
ECONOMIC DEVELOPMENT reporting **Ought to Pass as**
Amended by Committee Amendment "A" (H-763)

(H.P. 1274) (L.D. 1834) Bill "An Act To Accommodate
Victims of Identity Theft" Committee on **BUSINESS,**
RESEARCH AND ECONOMIC DEVELOPMENT reporting
Ought to Pass as Amended by Committee Amendment "A"
(H-759)

(H.P. 1302) (L.D. 1862) Bill "An Act To Expand Notification
Requirements for Internal Control Inquiries Made by Nonstate
Organizations" Committee on **STATE AND LOCAL**
GOVERNMENT reporting **Ought to Pass as Amended by**
Committee Amendment "A" (H-760)

There being no objections, the above items were 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:

(H.P. 1296) (L.D. 1856) Bill "An Act To Conform the Maine
Tax Laws for 2005 to the United States Internal Revenue Code"
(EMERGENCY)

(H.P. 1217) (L.D. 1710) Resolve, Authorizing the State Tax
Assessor To Convey the Interest of the State in Certain Real
Estate in the Unorganized Territory (C. "A" H-756)

(H.P. 1220) (L.D. 1713) Resolve, To Direct the State
Planning Office To Establish a Working Group To Standardize
Accounting Standards at All Levels of Government (C. "A" H-
752)

(H.P. 1295) (L.D. 1855) Bill "An Act To Establish the
Securities Investor Education and Training Fund" (C. "A" H-753)

(H.P. 1301) (L.D. 1861) Bill "An Act To Improve the Ability of
the Department of Corrections To Share Information Related to
Clients in Order To Improve Treatment and Rehabilitative
Services" (C. "A" H-751)

(H.P. 1326) (L.D. 1886) Bill "An Act To Amend the Laws
Pertaining to the Department of Corrections" (C. "A" H-754)

No objections having been noted at the end of the Second
Legislative Day, the House Papers were **PASSED TO BE**
ENGROSSED or **PASSED TO BE ENGROSSED AS AMENDED**
and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Exempt Vegetable Seeds for Home Gardens
from the Sales Tax" (EMERGENCY)

(H.P. 1263) (L.D. 1823)

(C. "A" H-757)

Reported by the Committee on **Bills in the Second Reading**,
read the second time, the House Paper was **PASSED TO BE**
ENGROSSED AS AMENDED and sent for concurrence.

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 Tuesday, February 14,
2006, had preference in the Orders of the Day and continued with
such preference until disposed of as provided by House Rule
502.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass
- Minority (5) Ought to Pass as Amended by Committee
Amendment "A" (H-740) - Committee on UTILITIES AND
ENERGY on Bill "An Act To Allow Qualified Health Centers To
Obtain Telecommunications Education Access Funding"

(H.P. 470) (L.D. 637)

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

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative BLISS of South Portland moved that the
House **ACCEPT** the **Minority Ought to Pass as Amended**
Report.

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

Representative **BLISS:** Thank you Mr. Speaker. Mr.
Speaker, Men and Women of the House. The federally qualified
Maine Rural Health Centers are a loose network of health centers

that are located in parts of the state where immediate access to hospital assistance is difficult to find. They are predominantly in rural parts of the state or places in the state where they can serve particularly underinsured or poor people. Today, most hospitals are able to transmit medical records over the Internet. These federally qualified health centers do not have the funds to allow themselves to do that. This is a bill that would provide them with some seed money to allow them to do a real needs assessment and to hire a consultant, working through the Public Utilities Commission, to help them negotiate through the mountains of paperwork to access a part of the \$400 million in the federal universal service fund that is earmarked specifically for this type of assistance in states around the country.

The original bill was for a significantly larger amount of money from a different fund. This is a very good compromise bill that has been discussed in a variety of locations around this building and I think that it warrants consideration and I would urge my colleagues to join me in voting for the Minority Report. Thank you Mr. Speaker.

Subsequently, the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-740)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 28, 2006.

SENATE PAPERS

The following Joint Order: (S.P. 778)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 28, 2006, at 10:00 in the morning.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-764)** on Bill "An Act To Prohibit Parking in Access Aisles" (EMERGENCY)

(H.P. 1213) (L.D. 1706)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
COLLINS of Wells
FISHER of Brewer
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARADIS of Frenchville
SAMPSON of Auburn
THOMAS of Ripley

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-765)** on same Bill.

Signed:

Representatives:

BROWNE of Vassalboro
McKENNEY of Cumberland

READ.

Representative MARLEY of Portland moved that the House **ACCEPT** the **Majority Ought to Pass as Amended Report**.

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. The issue before you, LD 1706, is really a unanimous report from committee. We have very few divided reports and even when they are divided they are not divided by much. We all agree that the issue is something that needs to be dealt with. Parking in handicap access spots is a problem, we just disagree on the method used to accomplish that. For instance, let me tell you what the Majority Report does not have. The Majority Report does not have an effective fine structure to deter people from parking in those spots and it also does not have an effective enforcement method to allow people to enforce parking in a handicap spot, but let me tell you what it does have. It has a requirement that every business, every town, every school district, every hospital with a parking lot will have to throw away their perfectly good handicap parking sign and buy a new one. That is unnecessary and that is the reason I am not on the Majority Report and I would hope that you would vote against that with me. Thank you.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the good Representative from Cumberland, I allowed him the courtesy to speak to the Minority Report, but it is a good report and it is very well how he couched it when he talked about the Majority Report. He is right; it really is a unanimous report. People came before us, members of family and another individual who is before a lot of our committees, Mr. Simon of Alton Non-Ambulatory talking about how when they park in those access aisles, those striped lines beside a handicapped parking space, current law makes it so there is a gray area and you can actually park there, but they are really set up so that when people pull in with these vans that have a lift to allow someone that is in a wheelchair to get out and move out of the spaces that space to do it safely. The issue is how the law currently is and people are using these as current handicapped spaces alone and people talked about where they would be allowed to get out of their van going into a store and would come out 30 minutes later and someone is parked in that space. Even when they go and ask the store manager to find that person they have actually been told they will not move their vehicle, while other times they have had to wait for over an hour or two to be able to get back into their vehicle, often in inclement weather. Additionally, people have often had their children, who are on the lift precariously moving up, as people are backing out of these spaces. As the good Representative from Cumberland and the entire committee decided, this is really a safety issue and an issue of fairness for these individuals. The reason that the Majority Report decided to do the sign is that, being in Maine, you often can't see those faces. The fairest way so that a person would know that this is a place they cannot park and that there would be a fine incurred if they did park there would be to put the individual sign up there. Like I said, the Minority Report is a fine report, we just went a little bit farther with the Majority Report and hope that you will support it. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the **Majority Ought to Pass as Amended Report**.

A vote of the House was taken. 73 voted in favor of the same and 45 against, and accordingly the **Majority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-764)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 28, 2006.

ENACTORS
Emergency Measure

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)
(S. "A" S-445)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Mandate

An Act To Amend the Charter of the Boothbay Harbor Sewer District
(H.P. 1244) (L.D. 1736)
(C. "A" H-745)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State
(H.P. 1212) (L.D. 1705)

An Act To Establish the Athens Standard Water District
(S.P. 657) (L.D. 1740)
(C. "A" S-444)

An Act To Change the Charter of the St. Francis Water District
(H.P. 1273) (L.D. 1833)
(C. "A" H-746)

An Act To Change the Name of Little Island to Chickering Island
(S.P. 741) (L.D. 1942)

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.

Resolves

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Determine the Feasibility of Integrating Certain Moose Management Practices between Tribal and Nontribal Lands
(H.P. 352) (L.D. 477)
(C. "A" H-743)

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

CONSENT CALENDAR
First Day

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

(S.P. 663) (L.D. 1746) Bill "An Act To Amend Certain Requirements in the ASPIRE-TANF Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 670) (L.D. 1753) Bill "An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 297) (L.D. 889) Bill "An Act To Create the County Government Capital Improvements Revolving Loan Fund" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-449)**

(S.P. 650) (L.D. 1696) Bill "An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-450)**

(S.P. 700) (L.D. 1783) Bill "An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)**

(S.P. 740) (L.D. 1939) Bill "An Act To Revise Certain Fish and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)**

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 **RECTOR** of Thomaston, the House adjourned at 11:31 a.m., until 10:00 a.m., Tuesday, February 28, 2006 pursuant to the Joint Order (S.P. 778) and in honor and lasting tribute to Mary J. Waterman, of South Thomaston and Roy "Joe" Dyke, of Wilton.