

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

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Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
19th Legislative Day
Tuesday, February 28, 2006

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

Prayer by Pastor Herschel Hafford, I Care Ministries, Millinocket.

National Anthem by MSAD 11 Elementary Chorus, Pittston, South Gardiner and West Gardiner.

Pledge of Allegiance.

Doctor of the day, Harry Grimmnitz, M.D., Readfield.

The Journal of Thursday, February 16, 2006 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 382)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 15, 2006

The Honorable Beth Edmonds

President of the Senate

The Honorable John Richardson

Speaker of the House of Representatives

122nd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker,

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine Governmental Facilities Authority under the State Government Evaluation Act. In its review, the Committee found that the Authority is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider

Chair

S/Representative Christopher Barstow

Chair

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act Relating to Mergers and Consolidations of Corporations without Capital Stock" (EMERGENCY)

(H.P. 1431) (L.D. 2034)

Sponsored by Representative CUMMINGS of Portland.

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

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Charter of the Kennebunk Light and Power District" (EMERGENCY)

(H.P. 1420) (L.D. 2019)

Sponsored by Representative BABBIDGE of Kennebunk.

Cosponsored by Senator SULLIVAN of York and Representative: DAIGLE of Arundel.

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.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Subsidized Child Care"

(H.P. 1423) (L.D. 2022)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Definition of a Liveable Wage"

(H.P. 1424) (L.D. 2023)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers

(H.P. 1430) (L.D. 2032)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Contracting Process"

(H.P. 1425) (L.D. 2024)

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

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

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program"

(H.P. 1426) (L.D. 2025)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Conformity with Federal Tax Laws"

(H.P. 1427) (L.D. 2026)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Study Commission Regarding Liveable Wages

Representative LERMAN for the **Study Commission Regarding Liveable Wages** pursuant to Resolve 2005, chapter 128 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit"

(H.P. 1428) (L.D. 2027)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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 Authorize Certain County Jail Employees To Perform Ministerial Functions Related to Preparing Personal Recognizance or Unsecured Appearance Bond" (EMERGENCY)

(H.P. 1429) (L.D. 2031)

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.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Muriel Gervais, of Augusta, on the occasion of her retirement after 26 years of dedicated service to the State of Maine. Mrs. Gervais has worked as a custodian for both the Cross Office Building and the State House in Augusta. She is well known for her cheerful demeanor, her ready smile and her sense of humor. She exemplifies the best of the Maine work ethic. We join all her friends and colleagues in wishing her a very well-deserved retirement;

(HLS 1664)

Presented by Representative TWOMEY of Biddeford. Cosponsored by Senator MITCHELL of Kennebec, Representative DAVIS of Augusta, Representative LERMAN of Augusta, Representative BROWNE of Vassalboro.

On **OBJECTION** of Representative TWOMEY of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor and pleasure to speak about a great woman today, a woman who has been getting up at 3am for 26 years.

I have been here for eight years and when I came in I met Muriel and I couldn't help but feel her energy and her beautiful smile and she was always so pleasant and I just really enjoy speaking with her. I have seen her work so hard in the bathrooms and cleaning the walls up and down the staircases. I always tell her that I think she is doing a great job and that I appreciate the work that she does, but she is so humble that she did not want me to do this. She was embarrassed by it and she said, "You know, Representative Twomey, not everyone thinks about me that way." I said, "Muriel, anyone who knows you loves you and the value of your work is very important." I am sorry to say that we still have people that feel that their work is not appreciated.

When I was on the Biddeford City Council for six years we had a volunteer banquet and I was allowed to ask someone. I asked the janitor who cleaned Biddeford City Hall. He could not believe that I would ask him. I want Mrs. Gervais to know that that work is important work and that I sit here on this side of the aisle because I care about working people and I care about their ethics. I want her to know that everyone of us in this room appreciates her, no matter where we sit, and that what she does is important. So, Muriel, you don't have to get up at 3am anymore, I absolutely adore you – and am glad that I could find you because you were playing hide and seek this morning until we called you into the Chief Executive's office – and you are appreciated. You will be missed by me and by a lot of people. I appreciate the cleanliness in the bathrooms and I appreciate the work that you do and I always talk to everyone in this building because their work is important. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to add to the comments of my good colleague from Biddeford.

There are a few people in your life who you see regularly, whether it is the guy that I see on the ferry or somebody who works in an office you work in and Muriel is one of those few people, as I am sure a lot of people in the State House know, who, every time you see her, gives you a hug, is friendly and makes you feel appreciated in this building. She notices when you are on the news and she always says that you are doing a good job and I think it is very appropriate upon Muriel's very deserved retirement that we thank her for the great job that she has done with the state for a long time. Even more, I recognize the appreciation that she has for us. I think people like Muriel know a lot more about what is going on in the State House than most of us and she is one of the most kind and friendly people that we have in this institution and she will certainly be missed, but she deserves a very long vacation and I wish her all the best. Thank you.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the Representative from Biddeford, Representative Twomey, for bringing this forward. It means a lot to me to be able to say to Muriel that she is the kindest face that I see all day when I come to the State House and I am going to miss seeing you and I hope that you won't be a stranger. Please come back and say hello. Take care.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I didn't know that this item was coming up today, but I am one of the many that has enjoyed the company of Muriel over the years. She is always very friendly and I know, as Representative Pingree said, that if you are on TV she will let you know. She also keeps Al Boutot in line. I know Al used to call her "The Cashew" and I said, "Well, Muriel, what are we going to call Al?" Together we said that we are going to call him "The Walnut", but Al, I know that you will miss Muriel as much as all of us and Muriel, I hope that you will come back from time to time to keep us straight because good people, good employees, are very hard to find some days up here and I know that during the most difficult times when we see you it makes our days a little bit more enjoyable and we will really miss you and I thank you for your service.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to add some brief comments to those that have been made by my colleagues on the other side of the aisle.

I have known Muriel for more than 20 years and she is the type of person who, it has been said, makes your day better by virtue of being who she is. That quick smile and the pleasant demeanor and the willingness to stop and talk and actually make you feel better, even when you are not in the best of moods, will be missed. I have known her in the state office building for years and then over here in the State House, particularly around the Appropriations room on the second floor during the last few years. I just want to say that she is a wonderful person and a great ambassador for state employees and I will miss her greatly and wish her well.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, would like to extend my appreciation to Muriel. In all of the years that it has been my privilege to lead the Legislative Prayer Group, she is the first person there every morning to greet us and make sure that the room is open for us and on occasions, after there has been some late night meeting, she is in there scurrying around to make sure that the room is clean before we get there. We certainly will keep her in our prayers as she enters the retirement phase. Muriel thank you very, very much.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Curley.

Representative CURLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too, would like to thank Mrs. Gervais for her service to the state. She has taken care of the people's House as if it was her own. I have appreciated her political advice, often with a smile and twinkle in her eye. Her sense of service to her family and to her state is unsurpassed and to that I say thank you and wish you the best.

Subsequently, the Sentiment was PASSED and sent for concurrence.

Recognizing:

the Shuman Family, of Winthrop, for their public service and dedication to the community and to the State. Charlie, Nancy, Steve, Stacey and Elissa Shuman were the United Way of Kennebec Valley Chairpersons. As a family, they served as leaders on the 2005 United Way campaign that raised over \$1,500,000. The United Way of Kennebec Valley serves 18 municipalities and helps support community agencies in many fields, such as health care, child care, domestic violence issues, emergency services, elder services, youth and teenage issues, mental health care, housing and unemployment. We acknowledge the exemplary work and dedication of the Shuman Family and we send them our best wishes;

(HLS 1668)

Presented by Representative FLOOD of Winthrop. Cosponsored by Senator COWGER of Kennebec, Representative LERMAN of Augusta.

On OBJECTION of Representative FLOOD of Winthrop, was REMOVED from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud that Charlie and Nancy Shuman are here, along with their daughter Alyssa. The Shuman's have been my neighbors for nearly 20 years and are exceptional community leaders. This year the Shuman's led the Kennebec Valley United Way Campaign and, although I am sure they will deflect the credit to many others, I know them well enough to tell you that they played a very strong leadership role in fulfilling the campaign's goal of \$1.5 million. I want to publicly acknowledge that community loyalty and spirit.

The success of the United Way Campaign also demonstrates something very important to the Shumans and to our state and that is the power of family; because when they accepted the challenge of leading this effort they took the challenge as a family and I would like to take the time to say a little bit about this wonderful family.

For decades, Nancy Shuman has been a driving force behind the success and expansion of the Kennebec Valley Humane Society in Augusta. Her love for animals is evident in the outstanding management of the Society. Several years ago she lead a capital campaign to expand the facility.

Charlie and Nancy's son Stephen is now the general manager of several outstanding auto dealerships in our state capital and their daughter Alyssa, who is with us here today, is the general manager of the Honda dealership here in Augusta, all bearing that very familiar name of Charlie's.

Proudest of all of the family's members, I expect, is Charlie himself, proudest first of his family and of his businesses, too. When you drive west on Western Avenue and you pass by the many dealerships bearing the name Charlie's know that once upon a time there was only one Charlie's dealership and that was just Charlie's Subaru. When I bought my first used car it was from Charlie in 1988. It was \$99 down and \$89 dollars a month for 30 months. I loved that car.

Charlie's Motor Mall is a huge success story for Maine. Charlie's is now Maine's largest auto dealership employs 240 people and sells \$140 million worth of automobiles each year. Charlie had a plan; he had a vision and he had the work ethic to grow one of Augusta's most distinctive businesses. One of every seven sales tax dollars in the Augusta area comes from Charlie's.

Charlie, his family and their dealerships generate \$7 million in sales tax revenue for our state. I sure am honored that they are my neighbors. Over the years the Shumans of Winthrop have been very good friends, neighbors and philanthropists from Augusta, Winthrop and communities in between. I want to thank the Shumans for their work ethic, their family strength and their leadership, but most importantly today, for their generosity. Thank you.

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

REPORTS OF COMMITTEE

Refer to the Committee on Marine Resources Pursuant to Joint Order

Representative PERCY for the Joint Standing Committee on Marine Resources on Bill "An Act Relating to Elver Fishing" (EMERGENCY)

(H.P. 1421) (L.D. 2020)

Reporting that it be **REFERRED** to the Committee on **MARINE RESOURCES** pursuant to Joint Order 2005, H.P. 1414.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent for concurrence.

Refer to the Committee on Insurance and Financial Services Pursuant to Resolve

Representative PERRY for the Joint Standing Committee on Insurance and Financial Services on Bill "An Act To Clarify the Uninsured Motorist Laws"

(H.P. 1422) (L.D. 2021)

Reporting that it be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** pursuant to Resolve 2005, chapter 100.

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

Sent for concurrence.

Refer to the Committee on Natural Resources Pursuant to Public Law

Representative KOFFMAN for the Joint Standing Committee on Natural Resources on Bill "An Act Regarding Storm Water Program Administration"

(H.P. 1435) (L.D. 2035)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2005, chapter 157.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

Change of Committee

Representative SMITH from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

(H.P. 1392) (L.D. 1987)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-447)** on Bill "An Act Regarding the Appointment of Harbor Masters"

(S.P. 651) (L.D. 1697)

Signed:

Senators:

DAMON of Hancock

SULLIVAN of York

ANDREWS of York

Representatives:

PERCY of Phippsburg

FLETCHER of Winslow

EMERY of Cutler

ADAMS of Portland

SEAVEY of Kennebunkport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-448)** on same Bill.

Signed:

Representatives:

ASH of Belfast

KAELIN of Winterport

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

READ.

On motion of Representative ASH of Belfast, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)** on Bill "An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax"

(S.P. 678) (L.D. 1761)

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

Representatives:

HANLEY of Paris

CLARK of Millinocket

McCORMICK of West Gardiner

WOODBURY of Yarmouth

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

HUTTON of Bowdoinham

WATSON of Bath

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453)**.

READ.

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-452)** on Bill "An Act To Exempt Snow Grooming Equipment and Machinery from the Personal Property Tax"

(S.P. 716) (L.D. 1799)

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

Representatives:

WOODBURY of Yarmouth

HANLEY of Paris

CLARK of Millinocket

McCORMICK of West Gardiner

CLOUGH of Scarborough

WATSON of Bath

BIERMAN of Sorrento

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

HUTTON of Bowdoinham

SEAVEY of Kennebunkport

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-452)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 2, 2006.

CONSENT CALENDAR

First Day

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

(H.P. 1291) (L.D. 1851) Bill "An Act Relating to the Flanders Bay Community School District" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1207) (L.D. 1700) Bill "An Act To Protect Military Families" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-775)**

(H.P. 1221) (L.D. 1714) Bill "An Act To Increase Staffing for the Intergovernmental Advisory Commission" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-769)**

(H.P. 1225) (L.D. 1718) Bill "An Act To Increase from a Class D Crime to a Class C Crime Violation of Privacy if the Victim Is under 16 Years of Age" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-766)**

(H.P. 1270) (L.D. 1830) Bill "An Act To Clarify Provisions of the Alcoholic Beverage Laws Regarding Promotions" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-776)**

(H.P. 1304) (L.D. 1864) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on State Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; Hospital Street in Augusta; and the Presumpscot River in Falmouth Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-772)**

(H.P. 1305) (L.D. 1865) Bill "An Act To Clarify the Time Period in Which Municipalities Must File Notices of Intent with the State for Purposes of Issuing Building Permits" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-767)**

(H.P. 1320) (L.D. 1880) Bill "An Act To Promote Youth Involvement in County and Local Government" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-768)**

(H.P. 1323) (L.D. 1883) Bill "An Act To Clarify the Liquor Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)**

(H.P. 1344) (L.D. 1903) Bill "An Act To Restore the Cost-sharing Agreement Established by the Voters of Maine School Administrative District No. 40" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-771)**

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:

(S.P. 663) (L.D. 1746) Bill "An Act To Amend Certain Requirements in the ASPIRE-TANF Program"

(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"

(S.P. 297) (L.D. 889) Bill "An Act To Create the County Government Capital Improvements Revolving Loan Fund" (C. "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" (C. "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" (C. "A" S-451)

(S.P. 740) (L.D. 1939) Bill "An Act To Revise Certain Fish and Wildlife Laws" (C. "A" S-446)

(H.P. 1222) (L.D. 1715) Bill "An Act To Amend the Laws Governing Employees of the Workers' Compensation Board" (C. "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) (C. "A" H-762)

(H.P. 1242) (L.D. 1734) Bill "An Act To Increase Accessibility to Health Insurance" (C. "A" H-758)

(H.P. 1267) (L.D. 1827) Bill "An Act To Clarify Prescription Drug Labels" (C. "A" H-763)

(H.P. 1274) (L.D. 1834) Bill "An Act To Accommodate Victims of Identity Theft" (C. "A" H-759)

(H.P. 1302) (L.D. 1862) Bill "An Act To Expand Notification Requirements for Internal Control Inquiries Made by Nonstate Organizations" (C. "A" H-760)

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

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

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding"

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

(C. "A" H-740)

Bill "An Act To Prohibit Parking in Access Aisles" (EMERGENCY)

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

(C. "A" H-764)

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

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

ENACTORS

Resolves

Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders

(H.P. 1229) (L.D. 1721)

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

Representative CLOUGH of Scarborough assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

SENATE PAPERS

Pursuant to Resolve

Task Force to Study Maine's Homeland Security Needs

Report of the **Task Force to Study Maine's Homeland Security Needs** pursuant to Resolve 2005, chapter 126, section 8 asks leave to report that the accompanying Bill "An Act To Facilitate the Hiring of Healthcare Personnel During Emergency Circumstances"

(S.P. 783) (L.D. 2036)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

Pursuant to Resolve

Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

Report of the **Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access** pursuant to Resolve 2005, chapter 127, section 9 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access"

(S.P. 780) (L.D. 2029)

Be REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and printed pursuant to Joint Rule 218.

Came from the Senate, Report READ and ACCEPTED and the Bill REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and ordered printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS in concurrence.

Pursuant to Resolve

Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

Report of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access pursuant to Resolve 2005, chapter 127 asks leave to report that the accompanying RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification

(S.P. 782) (L.D. 2033)

Be REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and printed pursuant to Joint Rule 218.

Came from the Senate, Report READ and ACCEPTED and the RESOLUTION REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and ordered printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the RESOLUTION REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought Not to Pass on Bill "An Act Regarding Certain Easements across State Park Land"

(S.P. 704) (L.D. 1787)

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford

Representatives:

PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
FLOOD of Winthrop
TWOMEY of Biddeford
SHERMAN of Hodgdon
EDGEComb of Caribou

Minority Report of the same Committee reporting Ought to Pass on same Bill.

Signed:

Senator:

RAYE of Washington

Representative:

LUNDEEN of Mars Hill

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

On motion of Representative PIOTTI of Unity, the Majority Ought Not to Pass Report was ACCEPTED 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. 353) (L.D. 1036) Bill "An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons" Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-456)

(S.P. 596) (L.D. 1614) Bill "An Act To Sustain and Strengthen Community Health Coalitions" Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-455)

(S.P. 667) (L.D. 1750) Bill "An Act To Amend Certain Transportation Laws" Committee on TRANSPORTATION reporting Ought to Pass as Amended by Committee Amendment "A" (S-458)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were PASSED TO BE ENGROSSED as Amended in concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-774) on Bill "An Act Amending the Animal Welfare Laws"

(H.P. 1321) (L.D. 1881)

Signed:

Senators:

NUTTING of Androscoggin
RAYE of Washington
BRYANT of Oxford

Representatives:

PIOTTI of Unity
CARR of Lincoln
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
EDGEComb of Caribou
TWOMEY of Biddeford
JODREY of Bethel

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

Signed:

Representative:

SHERMAN of Hodgdon

READ.

On motion of Representative PIOTTI of Unity, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-774) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Thursday, March 2, 2006.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Authorize Municipalities To Create Municipal Fire Districts" (H.P. 978) (L.D. 1414)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

McFADDEN of Dennysville
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-773)** on same Bill.

Signed:

Representatives:

BARSTOW of Gorham
SAMPSON of Auburn
MOULTON of York

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Ladies and Gentlemen of the House. I actually would just like to clarify so that the Record so reflects that I did not vote twice on the supplement before you. The Ought Not to Pass motion of the Record should have in my place the Representative from Ellsworth, Representative Crosthwaite. I would urge that the House, even though I am not on that report, accept the Ought Not to Pass. Thank you Mr. Speaker.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-770)** on Bill "An Act To Prevent Dangerous Commercial Drivers on Maine's Highways"

(H.P. 1367) (L.D. 1950)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARADIS of Frenchville

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

Signed:

Representatives:

THOMAS of Ripley
FISHER of Brewer

McKENNEY of Cumberland
SAMPSON of Auburn
COLLINS of Wells
BROWNE of Vassalboro

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-770)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 2, 2006.

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

On motion of Representative FINCH of Fairfield, the House adjourned at 11:19 a.m., until 10:00 a.m., Thursday, March 2, 2006 in honor and lasting tribute to Edward Stevens "Steve" Kierstead, of Fairfield.