

# 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**

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**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND REGULAR SESSION  
20th Legislative Day  
Thursday, March 2, 2006

The Speaker resumed the Chair.

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

Prayer by Pastor Darwin Vail, Bible Believing Baptist Church, Gray.

National Anthem by Honorable David C. Webster, Freeport.

Pledge of Allegiance.

Doctor of the day, Jacob Gerritsen, M.D., Camden.

The Journal of Tuesday, February 28, 2006 was read and approved.

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**SENATE PAPERS**

Bill "An Act To Protect Workers from Political or Religious Intimidation"

(S.P. 724) (L.D. 1924)

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

REFERRED to the Committee on LABOR in concurrence.

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Bill "An Act To Protect Maine's Groundwater Resources"

(S.P. 725) (L.D. 1925)

Committee on NATURAL RESOURCES suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers INDEFINITELY POSTPONED.

Bill and accompanying papers INDEFINITELY POSTPONED in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 384)

**STATE OF MAINE**

**122ND MAINE LEGISLATURE**

February 16, 2006

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to our authority under Title 12, §6447, we have appointed State Representative Edward J. Mazurek of Rockland to the Lobster Management Policy Council as a representative of Zone D.

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

Sincerely,

S/Beth Edmonds

Senate President

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 383)

**MAINE STATE LEGISLATURE**

**AUGUSTA, MAINE 04333**

**TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS**

February 27, 2006

The Honorable Beth Edmonds, President

Maine State Senate

The Honorable John Richardson, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2005, Chapter 126, the Task Force to Study Maine's Homeland Security Needs is pleased to submit its second interim report including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Ethan Strimling, Senate Chair

S/Representative Stan Gerzofsky, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 385)

**MAINE STATE LEGISLATURE**

**AUGUSTA, MAINE 04333**

**STUDY COMMISSION REGARDING LIVEABLE WAGES**

February 14, 2006

The Honorable Beth Edmonds, President

Maine State Senate

The Honorable John Richardson, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2005, chapter 128, the Study Commission Regarding Liveable Wages is pleased to submit its completed report including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Philip L. Bartlett II, Senate Chair

S/Representative Arthur L. Lerman, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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The Following Communication: (S.P. 784)

**STATE OF MAINE**

**122ND MAINE LEGISLATURE**

February 24, 2006

Senator Scott W. Cowger, Chair

Representative Theodore S. Koffman, Chair

Joint Standing Committee on Natural Resources

122nd Legislature

Augusta, Maine 04333

Dear Senator Cowger and Representative Koffman:

This is to inform you that today Governor John E. Baldacci nominated the following as members of the Board of Environmental Protection:

Richard A. Gould of Greenville, appointment

M. Wing Goodale of Gorham, appointment

Nancy C. Ziegler of South Portland, reappointment

Ernest W. Hilton of Starks, reappointment

Pursuant to Title 38, Ch. 2, § 341-C, these nominations will require review by the Joint Standing Committee on Natural Resources.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/John Richardson  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES**.

**READ** and **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement and Abatement Costs

(H.P. 1438) (L.D. 2040)

Sponsored by Representative GLYNN of South Portland.  
Cosponsored by Senator BROMLEY of Cumberland and Representatives: BLISS of South Portland, COLLINS of Wells, EBERLE of South Portland, MARLEY of Portland, McKENNEY of Cumberland.

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

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

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

Sent for concurrence.

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Bill "An Act To Protect the Privacy of Cellular Telephone Customers"

(H.P. 1436) (L.D. 2038)

Sponsored by Representative BRAUTIGAM of Falmouth.  
Cosponsored by Senator BARTLETT of Cumberland and Representatives: DRISCOLL of Westbrook, DUNN of Bangor, GROSE of Woolwich, HARLOW of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, PARADIS of Frenchville, SOCKALEXIS of the Penobscot Nation.

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

Bill "An Act To Enhance Maine's Energy Independence and Security"

(H.P. 1439) (L.D. 2041)

Sponsored by Representative FLETCHER of Winslow. (GOVERNOR'S BILL)

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BLISS of South Portland, BRAUTIGAM of Falmouth, CEBRA of Naples, EBERLE of South Portland, Senators: BRENNAN of Cumberland, SNOWE-MELLO of Androscoggin.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

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

Sent for concurrence.

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Pursuant to Statute  
Department of Audit

Representative WOODBURY for the Department of Audit pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY)

(H.P. 1437) (L.D. 2039)

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.

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**ORDERS**

On motion of Representative SMITH of Monmouth, the following Joint Order: (H.P. 1432)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the House, a bill relating to denturists.

**READ** and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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On motion of Representative SMITH of Monmouth, the following Joint Order: (H.P. 1433)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the House, a bill.

**READ** and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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On motion of Representative SMITH of Monmouth, the following Joint Order: (H.P. 1434)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the House, a bill relating to the registration of contractors.

**READ** and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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On motion of Representative MARLEY of Portland, the following Joint Order: (H.P. 1440) (Cosponsored by Representatives: BROWNE of Vassalboro, DAVIS of Augusta, LERMAN of Augusta, Senator: MITCHELL of Kennebec)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Transportation shall report out, to the House, a bill to name the new bridge in the City of Augusta spanning the Kennebec River.

**READ** and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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On motion of Representative WATSON of Bath, the following Joint Order: (H.P. 1441)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife shall report out, to the House, legislation implementing the recommendations of the ATV Trail Advisory Council.

**READ** and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 54)

ORDERED, that Representative Joseph C. Brannigan of Portland be excused Tuesday, February 7 and Thursday, February 9 for personal reasons and Tuesday, February 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Tuesday, February 14 and Tuesday, February 28 for personal reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Seth Wescott, of Farmington, who won the Gold Medal in Snowboard Cross at the Olympic Winter Games in Turin, Italy, in the historic debut of this event at the Games. Seth Wescott has competed as a respected professional for more than 10 years and is the reigning World Champion in the Snowboard Cross event. We join the rest of the citizens of Maine in sending our congratulations and best wishes to Seth Wescott on his achieving the remarkable honor of winning an Olympic Gold Medal;

(SLS 951)

On **OBJECTION** of Representative MILLS of Farmington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**Recognizing:**

Pete Thibodeau, of Monmouth, on the occasion of his retirement as the President and Chief Executive Officer of Jobs for Maine's Graduates, Inc. (JMG), a statewide, private, nonprofit educational organization established by the Maine Legislature in 1993 as a school-to-work high school program. Throughout his career, Mr. Thibodeau has been passionate about helping young people reach their potential and succeed. JMG, which has gradually expanded to help middle school students, homeless students and those in youth development centers, has been recognized for 11 consecutive years as the best statewide program of its kind in the nation. During Mr. Thibodeau's tenure as president, the organization more than doubled the number of students it serves annually, from 1,200 students a year in 1995 to more than 2,500 students in 2005. We send our congratulations and best wishes to Mr. Thibodeau on his retirement;

(SLS 954)

On **OBJECTION** of Representative NORTON of Bangor, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't rise today and speak a word or two on behalf of Peter Thibodeau. I only have known Peter professionally here in this body, however I work locally with our JMG program at Brewer as a faculty member there and I will tell you that it did a great deal to keep a lot of our at risk students in school and engaged in school. He has been a tireless leader in that organization.

I also want to express Representative Nancy Smith's concern for not having been able to be here today and to speak for Peter, but asked me if I would extend her regrets in not being able to do that. I thank you for this opportunity and, again, Peter's leadership in this organization will be sorely missed. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too take this opportunity to salute my good friend Pete Thibodeau on a very good job and, being of bilingual and of French heritage, to Pete I say, "Bon travail, beaucoup."

Subsequently, the Sentiment was **PASSED** in concurrence.

**In Memory of:**

the Honorable Jane Saxl, of Bangor, a well-known community activist and former member of the Maine State Legislature. Mrs. Saxl was a New York City native who moved to Maine in 1974 with her family when her husband Joseph became superintendent of the Bangor Mental Health Institute. She was a founding member of the community's first Jewish synagogue, Temple Beth El, and she served 1 term on the Bangor School Committee and 2 terms on the Bangor City Council. Jane Saxl also served with distinction in the Maine House of Representatives for 4 terms, from 1993 to 2000. Her son, Michael Saxl, served 3 terms with her and eventually became the Speaker of the House. She was president of the Friends of the Bangor Public Library and served on the boards of the Arcady Music Society and the Mabel Wadsworth Women's Health Center. We acknowledge her dedicated service to her community and to the State of Maine. She will be greatly missed and fondly remembered by her loving family, her neighbors and colleagues and her many friends;

(SLS 946)

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

**READ.**

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

**REPORTS OF COMMITTEE**

**Refer to the Committee on Criminal Justice and Public Safety**

**Pursuant to Joint Order**

Report of the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory" (EMERGENCY)

(S.P. 779) (L.D. 2028)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to Joint Order 2005, S.P. 762.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

**Divided Report**

Six Members of the Committee on LABOR report in Report "A" Ought to Pass as Amended by Committee Amendment "B" (S-432) on Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service"

(S.P. 246) (L.D. 748)

Signed:

Senators:

STRIMLING of Cumberland  
BARTLETT of Cumberland

Representatives:

CRESSEY of Cornish  
CLARK of Millinocket  
TUTTLE of Sanford  
HUTTON of Bowdoinham

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden  
HAMPER of Oxford  
DUPREY of Hampden  
SMITH of Van Buren  
DRISCOLL of Westbrook

Came from the Senate with Report "A" OUGHT TO PASS AS AMENDED READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-432).

READ.

Representative SMITH of Van Buren moved that the House ACCEPT Report "B" Ought Not to Pass.

Representative TUTTLE of Sanford REQUESTED a roll call on the motion to ACCEPT Report "B" Ought Not to Pass.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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. Very rarely do I get up, but I will be opposing the pending motion of the good Chair, Representative Smith from Van Buren. As you can see looking at the report, it is a divided report and it's pretty much a bipartisan divided report. All that this bill does is require that there be a study on this issue as far as the benefits for correction and mental health workers with 25 years of service. The problem now is that you have five or six different plans with benefits depending on when the state employed you.

If you worked for the state in this field, which is a difficult field if you are a correction officer, you might be getting less for benefits than somebody that just walks through the door. Also, we have always tried in my time on the committee to have a plan that is similar so that everybody is treated the same. All we are asking is that we allow this bill to go to the Appropriations Committee. Give us our day with them. It is a study and it is something that is not going to go away. It is something that I think will be a benefit. It is a matter of equity. For that reason I

would ask you to allow us that opportunity and to vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative CRESSEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I encourage you to vote against the pending motion on the floor. As for myself, Representative Smith, Representative Hutton and Representative Jackson, we have been on the Labor Committee for three consecutive sessions now and one of the frustrating things for me as a Republican member of the Labor Committee is not be able to have the information that can tell us what direction we need to take on various issues that come before the Labor Committee. Everything is piecemeal and chopped up and if you don't have the institutional memory of what has happened in the past then you don't know what specific issues to deal with today.

My brother-in-law is involved with the corrections department and he is also a youth parole officer, so he wears a double hat. There is inequity in that department, but we as a committee cannot fix the problem if we cannot identify what the specific problem is. This study committee would be very beneficial for the 123rd and for whoever may serve on the next labor committee. Please vote against the pending motion and move the Ought to Pass as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Ought to Pass Report seeks to do a study of a matter that has already been studied and studied. Let me make known to you what this is all about. The Maine State Retirement System has a number of different plans. Law enforcement, for many years, has had a better plan by providing for retirement after 25 years, which is sooner than any other workers in the state.

One of the things that I have seen over the years is that whenever you open the door and allow one group to change their plan for the better than immediately all the other groups and occupations come in and say, "Why can't we do it to? Aren't we as deserving?" In this case there is an attempt to expand the retirement system to your corrections officers and mental health workers no matter what their duties might actually be. I think that it is time to keep the door shut. Certainly we have seen what has happened when plans were changed. Just think of what you have heard from the people in Education about the cliff and other such things. If we start changing you are just opening the door for more and more problems. We don't need to study this. We know what will happen. I ask you to support the Ought Not to Pass Motion.

The SPEAKER: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative CRESSEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Smith is correct that a study has been done on this but it is incomplete. One of the frustrating things that I have had as a member of the Labor Committee for three consecutive sessions now is that we don't have complete information. I have been trying to keep track.

It seems like every year before the labor committee we would have another proposal from another group wanting to have special benefits. I think it is too liberal in my personal opinion and would certainly attract a lot of people to these various departments. But this study would be very helpful to complete the information that I personally would need and would, I think, be beneficial to Labor Committee members as well. Again I urge you to vote against the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "B" Ought Not to Pass. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 368**

YEA - Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Bowen, Bowles, Brannigan, Brautigam, Browne W, Burns, Cain, Carr, Churchill, Clough, Collins, Crosby, Curley, Curtis, Daigle, Davis K, Driscoll, Duprey, Edgecomb, Emery, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hanley S, Harlow, Joy, Kaelin, Lewin, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Perry, Pilon, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Simpson, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Twomey, Valentino, Vaughan, Walcott, Watson, Wheeler, Woodbury.

NAY - Adams, Annis, Bliss, Bryant, Campbell, Canavan, Cebra, Clark, Craven, Cressey, Crosthwaite, Cummings, Davis G, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Gerzofsky, Grose, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Koffman, Lansley, Lerman, Lindell, Makas, Marley, Mazurek, Miller, Patrick, Percy, Pingree, Rines, Schatz, Trahan, Tuttle, Webster, Mr. Speaker.

ABSENT - Bierman, Blanchette, Brown R, Bryant-Deschenes, Dugay, Dunn, Fischer, Goldman, Greeley, Jennings, Merrill, Muse, Ott, Smith N.

Yes, 92; No, 45; Absent, 14; Excused, 0.

92 having voted in the affirmative and 45 voted in the negative, with 14 being absent, and accordingly Report "B" Ought Not to Pass was ACCEPTED in NON-CONCURRENCE and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1215) (L.D. 1708) Bill "An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield" (EMERGENCY) Committee on UTILITIES AND ENERGY reporting Ought to Pass

(H.P. 1393) (L.D. 1988) Bill "An Act To Raise the Debt Limit of the City of Brewer High School District" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass

(H.P. 1247) (L.D. 1807) Bill "An Act To Establish the Penobscot Language Preservation Fund in the Department of Education" (EMERGENCY) Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-780)

(H.P. 1259) (L.D. 1819) Bill "An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park" Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-778)

(H.P. 1318) (L.D. 1878) Bill "An Act To Protect Small Payroll Processors" Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-787)

(H.P. 1337) (L.D. 1896) Bill "An Act To Make License Requirements and Rules Consistent for Young Anglers" Committee on INLAND FISHERIES AND WILDLIFE reporting

Ought to Pass as Amended by Committee Amendment "A" (H-781)

(H.P. 1376) (L.D. 1964) Bill "An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-788)

(H.P. 1380) (L.D. 1970) Bill "An Act To Amend the Charter of the Lisbon Water Department" (EMERGENCY) Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-779)

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

(H.P. 1278) (L.D. 1838) Bill "An Act To Create Fairness in Liquor Licensing Fees" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-789)

On motion of Representative CUMMINGS of Portland, was REMOVED from the First Day Consent Calendar.

The Committee Report was READ.

The same Representative REQUESTED a roll call on the motion to ACCEPT the Unanimous Ought to Pass as Amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Could someone in the chamber please explain this bill? Having not caucused on it, I am a little uncomfortable voting on a roll call and was wondering if somebody could explain the bill.

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill was changed into a resolve directing the Office of Substance Abuse to study the potential use of liquor licensing fees or the liquor taxes to fund the efficient delivery of substance abuse treatment and prevention programs. There is no cost and the funds will be absorbed within the department.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. The reason that I brought this bill forward was for numerous reasons. First of all we have a serious alcohol-drinking problem in this state. Eighty-eight million dollars a year in alcohol is consumed by underage drinkers – eighty-eight million dollars a year in alcohol is consumed by underage drinkers. I have met with people from the substance abuse commission, people from the substance abuse and prevention industry and the industry that provides alcohol to the state. Many of them claim that there are effective prevention programs available. This study will bring together industry and the underage drinking prevention groups so that we can get a clear and complete picture of what is available in terms of preventing underage drinking and what the most

effective means of implementing prevention in this state are. Thank you Mr. Speaker.

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

**ROLL CALL NO. 369**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Koffman, Lerman, Lewin, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Shields, Simpson, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Hall, Joy, Kaelin, Lindell, McKane, Seavey, Vaughan.

ABSENT - Bierman, Blanchard, Blanchette, Brown R, Bryant-Deschenes, Crosby, Dugay, Dunn, Fischer, Goldman, Greeley, Jennings, Lansley, Makas, Merrill, Miller, Muse, Ott, Smith N.

Yes, 125; No, 7; Absent, 19; Excused, 0.

125 having voted in the affirmative and 7 voted in the negative, with 19 being absent, and accordingly the Unanimous Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-789) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, March 7, 2006.

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 1291) (L.D. 1851) Bill "An Act Relating to the Flanders Bay Community School District" (EMERGENCY)

(H.P. 1221) (L.D. 1714) Bill "An Act To Increase Staffing for the Intergovernmental Advisory Commission" (C. "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" (C. "A" H-766)

(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 (C. "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" (C. "A" H-767)

(H.P. 1320) (L.D. 1880) Bill "An Act To Promote Youth Involvement in County and Local Government" (C. "A" H-768)

(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) (C. "A" H-771)

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.

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

(H.P. 1207) (L.D. 1700) Bill "An Act To Protect Military Families" (EMERGENCY) (C. "A" H-775)

On motion of Representative CUMMINGS of Portland, was REMOVED from the Second Day Consent Calendar.

The Committee Report was READ.

The same Representative REQUESTED a roll call on the motion to ACCEPT the Unanimous Ought to Pass as Amended 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 Unanimous Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 370**

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Bierman, Blanchette, Brown R, Bryant-Deschenes, Crosby, Cummings, Dugay, Dunn, Fischer, Goldman, Greeley, Jennings, Merrill, Muse, Ott, Smith N, Valentino.

Yes, 133; No, 0; Absent, 18; Excused, 0.

133 having voted in the affirmative and 0 voted in the negative, with 18 being absent, and accordingly the Unanimous Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My light didn't register on LD 1700. I voted yea.

The SPEAKER: The record will so reflect the affirmative vote.



Subsequently, **Committee Amendment "A" (H-775)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 7, 2006.

(H.P. 1270) (L.D. 1830) Bill "An Act To Clarify Provisions of the Alcoholic Beverage Laws Regarding Promotions" (C. "A" H-776)

On motion of Representative Kaelin of Winterport, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous **Ought to Pass as Amended** 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 Unanimous **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 371**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Collins, Craven, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bishop, Carr, Clough, Cressesey, Crosthwaite, Hamper, Kaelin, Lansley, Lindell, McKane, Perry, Stedman.

ABSENT - Bierman, Blanchette, Brown R, Bryant-Deschenes, Dugay, Dunn, Goldman, Greeley, Jennings, Merrill, Muse, Ott, Smith N.

Yes, 126; No, 12; Absent, 13; Excused, 0.

126 having voted in the affirmative and 12 voted in the negative, with 13 being absent, and accordingly the Unanimous **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-776)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 7, 2006.

(H.P. 1323) (L.D. 1883) Bill "An Act To Clarify the Liquor Laws" (C. "A" H-777)

On motion of Representative PATRICK of Rumford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

**Senate as Amended**

Bill "An Act To Exempt Snow Grooming Equipment and Machinery from the Personal Property Tax"

(S.P. 716) (L.D. 1799)  
(C. "A" S-452)

**House as Amended**

Bill "An Act Amending the Animal Welfare Laws"

(H.P. 1321) (L.D. 1881)  
(C. "A" H-774)

Bill "An Act To Prevent Dangerous Commercial Drivers on Maine's Highways"

(H.P. 1367) (L.D. 1950)  
(C. "A" H-770)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **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**.

**ENACTORS**

**Emergency Measure**

An Act To Increase Efficiency in Truck Hauling

(H.P. 1209) (L.D. 1702)  
(C. "A" H-749)

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. 114 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 Measure**

An Act To Revise Certain Fish and Wildlife Laws

(S.P. 740) (L.D. 1939)  
(C. "A" S-446)

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. 115 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 Measure**

Resolve, Regarding Comprehensive Community Health Coalitions

(S.P. 596) (L.D. 1614)  
(C. "A" S-455)

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. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

(S.P. 353) (L.D. 1036)  
(C. "A" S-456)

An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge

(S.P. 650) (L.D. 1696)  
(C. "A" S-450)

An Act To Amend Certain Requirements in the ASPIRE-TANF Program

(S.P. 663) (L.D. 1746)  
(S.P. 667) (L.D. 1750)

An Act To Amend Certain Transportation Laws

(C. "A" S-458)

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. 670) (L.D. 1753)

An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit

(S.P. 700) (L.D. 1783)  
(C. "A" S-451)

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, Directing the Intergovernmental Advisory Commission To Establish a Working Group To Develop a County Government Capital Improvements Revolving Loan Fund

(S.P. 297) (L.D. 889)  
(C. "A" S-449)

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

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 28, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-447)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-448)** - Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Appointment of Harbor Masters"

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

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

TABLED - February 28, 2006 (Till Later Today) by Representative ASH of Belfast.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-447)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 7, 2006.

**SENATE PAPERS**

The following Joint Order: (S.P. 788)

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

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

**READ** and **PASSED** in concurrence.

Bill "An Act To Implement the Recommendations of the Commission To Reform the State Budget Process"

(S.P. 790) (L.D. 2045)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Further Reduce Mercury Use and Emissions"

(S.P. 787) (L.D. 2043)

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

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 768) (L.D. 1989) Resolve, Directing the State Board of Property Tax Review To Accept and Review the Appeal Filed by the Town of Palermo (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-464)** in concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)** on Bill "An Act To Streamline Criteria for Municipal General Assistance for Heating and Utility Assistance"

(H.P. 1286) (L.D. 1846)

Signed:

Senators:

SCHNEIDER of Penobscot  
ROTUNDO of Androscoggin  
ANDREWS of York

Representatives:

BARSTOW of Gorham  
McFADDEN of Dennysville  
MOULTON of York  
HARLOW of Portland  
BISHOP of Boothbay  
BROWNE of Vassalboro  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

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

Signed:

Representative:

CROSTHWAITE of Ellsworth

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-790)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 7, 2006.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-782)** on Bill "An Act To Ensure Business Equity in Commercial Vehicle Registration"

(H.P. 1238) (L.D. 1730)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-783)** on same Bill.

Signed:

Representatives:

McKENNEY of Cumberland  
THOMAS of Ripley

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-782)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 7, 2006.

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

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The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle who wishes to address the House on the record.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would be remiss if I didn't mention that the Sanford High School girls basketball team will play the Cony Rams for the Class A State Title, Saturday night at the Cumberland County Civic Center. This will be a daunting task. The Cony Girls' team has won 43 games in a row and are the returning State Class A Champions with one of the best, if not the best basketball coach in the state.

The last time that Sanford went to the State Championship basketball game was in 1967. I was a freshman in high school and we lost that game to Old Town by one point at the Bangor Auditorium. To this day I can still remember the long ride home. In that game Nick Skasher scored 44 points for Sanford, something that still stands as a record 40 years later. I have been told that if the Cony girls win then Representative Clark of Millinocket has promised to take the whole Augusta delegation out for lunch, but I promise you that if Sanford wins we want nothing in return. The victory will be reward enough and long overdue. Mr. Speaker, thank you.

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On motion of Representative SYKES of Harrison, the House adjourned at 11:42 a.m., until 10:00 a.m., Tuesday, March 7, 2006 pursuant to the Joint Order (S.P. 788) and in honor and lasting tribute to Ronnie K. Belanger, of Bridgton.