

# 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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Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND REGULAR SESSION  
21st Legislative Day  
Tuesday, March 7, 2006

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

Prayer by Pastor Brad Puckett, Kennebec Valley Assembly of God, Chelsea.

National Anthem by Megan Burnell, Standish.

Pledge of Allegiance.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)** in the House on February 16, 2006.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 386)

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

March 2, 2006

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1, I (a), I am rescinding the appointment of Representative Thomas B. Saviello of Wilton from the Joint Standing Committee on Inland Fisheries and Wildlife and I am reappointing Representative Walter A. Wheeler, Sr. of Kittery to the Joint Standing Committee on Inland Fisheries and Wildlife.

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

Sincerely,

S/John Richardson

Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 388)

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

March 1, 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. 1790 An Act Concerning the Implementation of Cuts in Child Development Services

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**.

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The Following Communication: (H.C. 389)

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

March 1, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1959 An Act To Guarantee Access to Medically Necessary Medications during the Implementation of the Medicare Part D Prescription Drug Program

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

Sincerely,

S/Sen. Arthur F. Mayo, III

Senate Chair

S/Rep. Hannah Pingree

House Chair

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 390)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 1, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1782 An Act To Prevent Elder and Dependent Adult Financial Abuse

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

Sincerely,  
S/Sen. Nancy B. Sullivan  
Senate Chair  
S/Rep. Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 391)

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

March 1, 2006

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

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

L.D. 1526 An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues

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

Sincerely,  
S/Sen. Barry J. Hobbins  
Senate Chair  
S/Rep. Deborah Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 392)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 1, 2006

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

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

L.D. 1894 An Act To Allow Independent Wineries To Serve Wine at Trade Shows

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

Sincerely,  
S/Sen. Kenneth T. Gagnon  
Senate Chair  
S/Rep. John L. Patrick  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 393)

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

March 1, 2006

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

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

L.D. 1587 An Act To Modernize Maine's Tax Code  
L.D. 1595 An Act To Rebalance Maine's Tax Code  
L.D. 1893 An Act To Adjust the Excise Tax Filing Schedule for Wine and Beer Producers

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

Sincerely,  
S/Sen. Joseph C. Perry  
Senate Chair  
S/Rep. Richard G. Woodbury  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 394)

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

March 1, 2006

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

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

L.D. 1969 Resolve, To Evaluate the Public Safety Answering Points for the State of Maine

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

Sincerely,  
S/Sen. Philip L. Bartlett II  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 387)

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
LEGISLATIVE YOUTH ADVISORY COUNCIL**

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 MRSA Title 3, §168-A, the Legislative Youth Advisory Council is pleased to submit its fourth annual report. Copies of the report have been placed on file with the Law and Legislative Reference Library.  
Sincerely,  
S/Senator Elizabeth H. Mitchell, Legislative Chair  
S/Ms. Jennifer Thompson, Youth Chair  
**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield

(H.P. 1444) (L.D. 2050)

Sponsored by Representative FINCH of Fairfield.  
Cosponsored by Representatives: JACKSON of Allagash, LUNDEEN of Mars Hill.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.  
Sent for concurrence.

Bill "An Act To Amend the Laws Regarding Aquaculture Leases"

(H.P. 1443) (L.D. 2049)

Sponsored by Representative PERCY of Phippsburg. (GOVERNOR'S BILL)

Committee on **MARINE RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.  
Sent for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Property Owners with Limited Personal Property Assessments

(H.P. 1446) (L.D. 2052)

Sponsored by Representative WOODBURY of Yarmouth.  
Cosponsored by Senator COURTNEY of York and Representatives: CLARK of Millinocket, CLOUGH of Scarborough, HANLEY of Paris, HUTTON of Bowdoinham, McCORMICK of West Gardiner, SEAVEY of Kennebunkport, Senator: PERRY of Penobscot.

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

Bill "An Act To Simplify and Relieve Personal Property Taxes for Small Businesses"

(H.P. 1447) (L.D. 2053)

Sponsored by Representative WEBSTER of Freeport.  
Cosponsored by Representatives: PINGREE of North Haven, SMITH of Monmouth, WOODBURY of Yarmouth.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Cheryl Lee Rust, owner of Le Garage Restaurant in Wiscasset, who is the recipient of the Maine Tourism Award for Food Service. The award was presented by the Maine Office of Tourism and the Maine Tourism Commission at the annual Governor's Conference on Tourism in Augusta. These awards are given to those who lead by example in making Maine an attractive destination for visitors. Le Garage has been recognized as one of the midcoast's finest restaurants and has been featured in national magazines. Ms. Rust, in addition to her work in the restaurant, is also an active volunteer. She serves on the board of directors for the Miles Hospital and the Midcoast Hospital. We extend our congratulations to Cheryl Lee Rust on her receiving this well-deserved honor;

(HLS 1680)

Presented by Representative RINES of Wiscasset.  
Cosponsored by Senator DOW of Lincoln.

On **OBJECTION** of Representative RINES of Wiscasset, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is truly an honor for me to stand up here today and recognize Cheryl Lee Rust, a good friend of mine. She does operate Le'Garage Restaurant on Water Street in Wiscasset and has for some twenty-odd years. I should know the number but I don't. She is in the gallery today joining us and, along with her volunteer work and the restaurant she is a very busy lady. As a matter of fact, she is here today with the association on the second floor with all of their displays so I am sure that they would appreciate if you stop by and visit.

As I stand here giving these kind words to her I am sure that she is sitting in the gallery blushing. She was mortified when I asked her to come up and visit with us today. But, again, I want to extend my congratulations to her and to many more years of fine dining on the waterfront in Wiscasset. I know that you can tell by my waste line that I have enjoyed a few meals there myself. Thank you Mr. Speaker.

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

**Recognizing:**

Kevin Cooper, of Buxton, coach of the Bonny Eagle High School Football team, on his being named Coach of the Year by the *Maine Sunday Telegram* and the Southwestern Maine Activities Association. Coach Cooper's team won the 2005 Class A State Championship for the second year in a row, and one of his students, John Weichman, won the prestigious James J. Fitzpatrick Trophy as the top senior high school football player of the year. We acknowledge his dedication to the school, the team and the players and we send him our best wishes on his receiving these honors;

(HLS 1681)

Presented by Representative MAREAN of Hollis.  
Cosponsored by Senator DIAMOND of Cumberland, Senator COURTNEY of York, Senator HOBBS of York, Representative MOORE of Standish, Representative CRESSEY of Cornish, Representative ROBINSON of Raymond, Representative FARRINGTON of Gorham.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am happy and proud to speak on this sentiment this morning on behalf of my colleagues that represent School Administrative District 6. Kevin Cooper is the head coach of the Bonny Eagle High School football team and has been since 1998. Coach Cooper graduated from Lawrence High School in 1985 and was a quarter and defensive back on their State Championship teams in 1983 and 1984. In 1989 he graduated from Dartmouth College with a BA in Government. While at Dartmouth he played on the varsity football team as a linebacker as well as two years of baseball.

In 1989 he began his coaching career by coaching at the Maine Maritime Academy, Ohio State and the University of Maine. Finally in 1998 he joined Bonny Eagle as the varsity football coach and a social studies teacher.

Under the leadership of Coach Cooper the team had its first playoff appearance in 2000 and their first Class A playoff win in 2002 over Thorton Academy. In 2004 the team won its first State Championship in Class A and then again, in 2005, came back to win the trophy again. This is the first time a team has won back-to-back gold balls since 1995 and 1996 when South Portland did it.

Coach Cooper has pulled this team together along with the community. Bonny Eagle football games are a community and family event and it makes no difference if the games are at home or on the road. I can attest to that. I went to the games last year with my 11-year-old grandson who gave me instructions on understanding the football team. Coach Cooper has done a remarkable job in pulling the team and the community together.

In 2004 and 2005, Coach Cooper received the South Western Maine Activities Association's, Coach of the Year Award and also in 2005 the Maine Sunday Telegram named him Coach of the Year. On behalf of players and the people of SAD 6, thank you, Coach Cooper, for all that you have done and thank you, Mr. Speaker.

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

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

**REPORTS OF COMMITTEE**

**Refer to the Committee on Transportation Pursuant to Joint Order**

Representative **MARLEY** for the **Joint Standing Committee on Transportation** on Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing" (H.P. 1445) (L.D. 2051)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Joint Order 2005, H.P. 1440.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TRANSPORTATION**.

Sent for concurrence.

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

Representative **BLANCHETTE** for the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless" (H.P. 1442) (L.D. 2046)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to Public Law 2005, chapter 393.

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

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-457)** on Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option (S.P. 150) (L.D. 463)

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook

Representatives:

PINGREE of North Haven  
WALCOTT of Lewiston  
GROSE of Woolwich  
BURNS of Berwick  
MILLER of Somerville  
WEBSTER of Freeport

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot  
GLYNN of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)**.

**READ.**

On motion of Representative **PINGREE** of North Haven, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-462)** on Bill "An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping" (S.P. 685) (L.D. 1768)

Signed:

Senators:

COWGER of Kennebec  
MARTIN of Aroostook  
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor  
THOMPSON of China  
EBERLE of South Portland  
DAIGLE of Arundel  
TWOMEY of Biddeford  
DUCHESNE of Hudson  
ROSEN of Bucksport  
WHEELER of Kittery

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

Signed:

Representatives:

JOY of Crystal  
ANNIS of Dover-Foxcroft

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-462)**.

**READ.**

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-462)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 9, 2006.

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Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Exempt Platform Lifts from the Annual Elevator Inspection"

(H.P. 1255) (L.D. 1815)

Signed:

Senators:

BROMLEY of Cumberland  
HOBBINS of York  
DOW of Lincoln

Representatives:

BEAUDETTE of Biddeford  
FARRINGTON of Gorham  
SMITH of Monmouth  
RECTOR of Thomaston  
ROBINSON of Raymond  
AUSTIN of Gray  
O'BRIEN of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-786)** on same Bill.

Signed:

Representatives:

CROSBY of Topsham  
JACOBSEN of Waterboro  
BERUBE of Lisbon

**READ.**

On motion of Representative SMITH of Monmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-784)** on Bill "An Act To Improve Water Monitoring at Clam Flats" (EMERGENCY)

(H.P. 1268) (L.D. 1828)

Signed:

Senators:

DAMON of Hancock  
SULLIVAN of York  
ANDREWS of York

Representatives:

PERCY of Phippsburg  
FLETCHER of Winslow  
EMERY of Cutler  
DUGAY of Cherryfield  
ASH of Belfast  
EDER of Portland  
KAELIN of Winterport  
ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-785)** on same Bill.

Signed:

Representative:

CRESSEY of Cornish

**READ.**

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

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 697) (L.D. 1780) Bill "An Act Concerning Members of School Administrative Districts' Finance Committees" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 696) (L.D. 1779) Bill "An Act To Increase Certain Fees Paid for Service of Writs and Complaints" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-461)**

(H.P. 1216) (L.D. 1709) Bill "An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-792)**

(H.P. 1227) (L.D. 1720) Bill "An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-805)**

(H.P. 1280) (L.D. 1840) Bill "An Act To Promote Recycling of Cellular Telephones" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-800)**

(H.P. 1303) (L.D. 1863) Bill "An Act To Permit Supplemental Environmental Projects for Forest Practices Violations" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-804)**

(H.P. 1308) (L.D. 1868) Bill "An Act To Eliminate Administrative Preliminary Hearings for Probationers" Committee

on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-796)**

(H.P. 1324) (L.D. 1884) Bill "An Act To Improve the Prisoner Telephone System" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

(H.P. 1328) (L.D. 1888) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-801)**

(H.P. 1343) (L.D. 1902) Bill "An Act Concerning Energy Conservation in Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-791)**

(H.P. 1357) (L.D. 1916) Bill "An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-797)**

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. 1215) (L.D. 1708) Bill "An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield" (EMERGENCY)

(H.P. 1393) (L.D. 1988) Bill "An Act To Raise the Debt Limit of the City of Brewer High School District"

(H.P. 1247) (L.D. 1807) Bill "An Act To Establish the Penobscot Language Preservation Fund in the Department of Education" (EMERGENCY) (C. "A" H-780)

(H.P. 1259) (L.D. 1819) Bill "An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park" (C. "A" H-778)

(H.P. 1318) (L.D. 1878) Bill "An Act To Protect Small Payroll Processors" (C. "A" H-787)

(H.P. 1337) (L.D. 1896) Bill "An Act To Make License Requirements and Rules Consistent for Young Anglers" (C. "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" (C. "A" H-788)

(H.P. 1380) (L.D. 1970) Bill "An Act To Amend the Charter of the Lisbon Water Department" (EMERGENCY) (C. "A" H-779)

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**.

**BILLS IN THE SECOND READING  
Senate as Amended**

Bill "An Act Regarding the Appointment of Harbor Masters"  
(S.P. 651) (L.D. 1697)  
(C. "A" S-447)

**House as Amended**

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

Bill "An Act To Ensure Business Equity in Commercial Vehicle Registration"

(H.P. 1238) (L.D. 1730)  
(C. "A" H-782)

Bill "An Act To Clarify Provisions of the Alcoholic Beverage Laws Regarding Promotions"

(H.P. 1270) (L.D. 1830)  
(C. "A" H-776)

Bill "An Act To Create Fairness in Liquor Licensing Fees"

(H.P. 1278) (L.D. 1838)  
(C. "A" H-789)

Bill "An Act To Streamline Criteria for Municipal General Assistance for Heating and Utility Assistance"

(H.P. 1286) (L.D. 1846)  
(C. "A" H-790)

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 Conform the Maine Tax Laws for 2005 to the United States Internal Revenue Code

(H.P. 1296) (L.D. 1856)

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. 135 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 Improve the Ability of the Department of Corrections To Share Information Related to Clients in Order To Improve Treatment and Rehabilitative Services

(H.P. 1301) (L.D. 1861)  
(C. "A" H-751)

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. 123 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 Amend the Laws Pertaining to the Department of Corrections

(H.P. 1326) (L.D. 1886)  
(C. "A" H-754)

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. 125 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.

**Emergency Measure**

Resolve, Directing the State Board of Property Tax Review To Accept and Review the Appeal Filed by the Town of Palermo (S.P. 768) (L.D. 1989) (C. "A" S-464)

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. 124 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. **ORDERED SENT FORTHWITH.**

**Acts**

An Act To Exempt Trail-grooming Equipment from the Personal Property Tax (S.P. 716) (L.D. 1799) (C. "A" S-452)

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

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

Resolve, To Direct the Department of Audit To Establish a Working Group To Develop a Model Chart of Accounts for All Levels of Government (H.P. 1220) (L.D. 1713) (C. "A" H-752)

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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 Thursday, March 2, 2006, had preference in the Orders of the Day and continued with

such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-436)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Standardized Testing in Maine" (EMERGENCY) (S.P. 715) (L.D. 1798)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

TABLED - February 9, 2006 (Till Later Today) by Representative NORTON of Bangor.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We haven't had a policy discussion about this in this institution about whether using the SATs is the right decision to make and so now is the time that we are going to have that discussion I guess.

I have three reasons why making this switch from the MEAs to the SATs is a bad decision. The first has to do with the test itself. I don't know how many of you are familiar with the history of the SAT. The history of that exam is actually relatively fascinating. The SAT was developed by a group of university professors in the early part of the 20th Century. Enlightened university professors, in some of the best universities in this country realized that in the 20s and 40s their universities were not filling up with the best and the brightest people in this country. They were filling up with the sons of the privileged class and not the best and smartest kids in the country. So they began thinking about some way to reach those kids who had the aptitude and the ability to do well in a university setting, but who they were not getting any access to, because they were poor kids and they were on farms in the south, they were in big cities and they were someplace, sometimes trapped in education settings that were not particularly good. So, they had to figure out a way to reach those kids who were not in good schools, who had not been in good schools, but who, if they could be pulled out of those settings and brought to a Harvard or a Yale or a Princeton or someplace where they were able to bring them along, they could be turned into great students. So, the SAT was designed specifically to negate the effects that your education had had on you, because they knew that the kids of privilege had gone to private schools and had all kinds of stuff. They were looking for the other kids who hadn't had the advantage of a strong school. They needed some way to measure how much innate talent a kid had, so that if they brought that kid out of that terrible school they were in and brought them to a Harvard or a Princeton that kid could succeed.

You will probably hear a lot today about how this is the new SAT and it doesn't do that anymore and that we have made changes to it, but the fact of the matter is that down in the DNA of the SAT - in the marrow of it's bones - this test was designed to be predictive, not a test of what a child had attained in school. It was specifically designed not to measure that because it was assumed that those kids hadn't one to very good schools and hadn't had much academic achievement. So it was designed specifically to find those kids who had some type of nugget of skill, of aptitude, which is what the test used to be called, so that they could be brought to an institution of higher learning and turned into a great student and a great contributor to society. It is to their credit that these very enlightened university presidents decided to do this and so the test was launched in the fifties.

A guy that was named James Conant, who was President of Harvard, helped develop it and it has served that function largely ever since. So the test is not the right test. And, the policy discussion that we should be having is of what the right test should be. If the MEA isn't it then what is it; maybe it is the Iowa Test of Basic Skills, and maybe it is the Stanfords? There is a whole series of nationally recognized assessment tests that we could use, but I haven't heard a convincing argument yet of why the SAT needs to be one of them.

My second reason for opposing this is the very fact that we haven't had this discussion. This is a major policy change and it has not come before this body until today, with the SAT only weeks away. Now, I don't serve on the Education Committee; I am a teacher, but I don't serve on the committee. My understanding is that Commissioner Gendron came to the committee last year and said, "Well, we are thinking about the SAT. We want to do something with MEAs and we know that they take way too long and we have to take a look at it." The committee said, "Ok, go ahead." My understanding is that when the committee met last fall the Commissioner came in and said that it was done. We are going to SATs, it's done and all taken care of and we are not even going to write an MEA for 11th grade. It is a done deal. My understanding, and I am perfectly willing to let anybody from the Education Committee correct me, is that the Education Committee never really discussed this policy and that this policy was a done deal when we came into session now and we are hearing that if we don't pass it it's too late and there is no MEA written for 11th grade and the kids are not going to get tested. Those issues certainly need to be dealt with. So the removal of the Legislature from this policy decision concerns me a great deal and I think that it should concern anybody in this room. We are the policy making arm of this government and this decision should have been made by the Legislature and it was not. For that reason alone we shouldn't support this change. But that is not even the best reason.

The best reason has something to do with kids. Now, we all know kids that are hopefully going to take the SATs and go to college. Not every kid does, a lot of kids do, more so in Maine than in other places. My concern is not for those kids that are going to go to college, or even for those kids who probably aren't going to college, my concern is those borderline kids – those kids who may be the first one in their generation and in their family to go to college and they are not really sure. They haven't had a great time in school. They haven't been particularly successful. They don't come from a family that has an education background. They don't know. They know they probably ought to get some secondary education, but they don't really know if they should and so what we are going to do is lay this test on them. All of you in here that have taken it can remember the stress. You all remember, I am sure, getting up on Saturday morning, which is bad enough in itself, driving to some other school, because the test is only given here and there and not everywhere. Usually it was the school that was your hated rival in basketball and you had to drive over and take the test in their cafeteria, with all of their stuff hanging on the walls and their trophies.

I have given the SAT as a teacher. I see these kids come in clutching their number 2 pencils with pale fingers. Kids make themselves sick over this thing. I have seen it. They come in and they sit and they shake and they have got their ID and want to make sure. It is a very stressful situation. What is even more stressful though is when you get that score. How many of you can remember that. You get the little forms. One of those where you tear across the top and you tear down the sides and you open it up. Think about those borderline kids who haven't had a lot of success in school. They don't really know if this is the thing

for them and they are holding in their hand an assessment of them from someone completely outside their circle. Not an assessment from their teachers or parents, but this sort of written-in-stone number inside that little envelope that tells them whether their future is this way or that way. For a kid who doesn't really know which way they want to go, this really isn't the best way to get them there. We have lots of great programs to get kids from high school into college, but sitting them down in a stressful situation, making them take this test, giving them that envelope after a few weeks and having them open it up and see that they didn't do as well is just closing doors. It is throwing up stop signs for them. I don't think that this test is good for kids and I don't think that it is good for schools. I know that this test wasn't designed to do what we think it will do and I am especially bothered by the way that this decision is made. The SATs are on a fast track; they are going to happen regardless of what happens with this bill.

I think that this is an opportunity for this institution to make a statement; that a decision like this needs to have more time. We need to look at it more. We need to study it more. It should have come into this institution and been debated fully and so I am asking you to oppose this Ought Not to Pass motion and send a signal that this is a big decision that this state is making and it needs more time. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What an exciting opportunity to discuss this today. Mr. Speaker. Mr. Speaker, Men and Women of the House, I am urging you to support the Majority Ought Not To Pass today and I would like to tell you why.

The history of the SAT was just displayed greatly before you and it is true that it has changed a lot and somewhere deep down inside of it there is an initial thought that said that this is only for a select few people. This is not for everyone. This is, as the Representative from Rockport, Representative Bowen said, this is a predictive test; it is not an assessment test. But, guess what, the SAT has changed. The SAT has grown and developed just like schools have. It has become more responsive. It now tests many more things than it ever did before. When you line up the MEA and the SAT, what you have are two very similar tests and there are some things that those tests will never be able to measure. They will never be able to measure whether or not a student could stand up like I am in front of you today and say, "Mr. Speaker, Ladies and Gentlemen of the House," and make a statement. It can't measure those types of things. It never will be able to. But it can measure writing. It can measure math. It can measure problem solving. Both tests do that and they do it in relatively the same way.

Is it the right test? Is any test the right test? What we need to find is the best test and what I can guarantee you is that the SAT is better than the MEA. The MEA was designed for the purpose of assessing whether or not the Learning Results in our schools were working and whether or not they were doing their job. It might be doing that, except it has no benefit for kids. The students at the 11th grade level have no reason to show up and, A: take the test, or B: care how well they do on it. It has no tie to their diploma, it has no tie to their GPA, and it has no tie to their college transcript. It is a way for the schools and the state to say if the Learning Results are working. Well, great, but I am an 11th grader and I don't care because I have been working really hard and this is taking up four days of my school time.

Now, let's talk about the SAT and how that relates to solving that problem. The SAT does carry some significance for students

in Maine and for all students it is a key into college. Most colleges, and not all colleges, many colleges are moving away from it – these colleges are now looking at this test and using it and now these students are able to say, "Wow, look I got a 900. I was never going to take this test before. I never even thought that I could go to college and now I am getting mail from colleges that tell me that they want me to apply." This has benefits for students. It gives every child in Maine the opportunity to take the SAT for free, once. Every child in Maine that falls within a certain socio-economic status already gets a free SAT. Those students will now have two free SATs. That right there is an opportunity. It is an opportunity for teachers and it is an opportunity for administrators and for school board members and for superintendents to come together and say that they want to support their students in this experience. This is an opportunity for us to help kids through that stress that was discussed by the good Representative and for those borderline kids, what a great opportunity. They were taking a test anyway. This is just a different test and now we have the opportunity to show them how this can connect to their future, how this can connect to college. And, as the good Representative said, the best reason not to do it has to do with kids, and I submit that the best reason to do this has to do with kids. We had the MEA, the school boards and the superintendents all come before us to say that they support this. Sure, it happened pretty quickly; we all saw it in the newspaper in August when it showed up. I think it was August 25th. It showed up and we all went, "What's this?" Then we thought about it and asked the hard questions and the questions about how this decision had come about. We had representatives from the College Board come here and at the end of the day a vast majority of the committee said, "Wow, this is a better idea than the MEA and what a great opportunity we have to institute it this year." We are gathering the info. We are continuing to ask the hard questions. We can still go back and change it, but the Commissioner had the absolute authority to do this. We gave it to her as a committee in the last session. We said, "You change the test. You go ahead and we will support you." That is what we are doing.

Mr. Speaker, I could go on for many more minutes, but I won't and I will look forward to continued debate on this test. The bottom line for me is that this is a better opportunity for kids than the MEA was and we need to be less selfish as a state and say that we can use this test in the same way and give an added benefit for children. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with everything that Emily Cain said, I am a member of the Education Committee. The SAT is infinitely better than the MEA, which takes day after day after day of testing. You can prepare for the SAT. There are courses to get you ready for it and they have proven their worth. So without repeating everything that Emily said, thank you Emily and I agree with every word you said. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Goldman.

Representative GOLDMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I absolutely agree that this is a policy issue that should be discussed, however it is only a part of a larger policy issue that actually has been part of many decisions that this body has made and previous Legislatures. I am talking about Learning Results, the implementation of Learning Results, and the ability or intent to measure whether our students are achieving those standards. This particular piece of that larger picture has already been

addressed very well, but at the same time I would like to add that our committee is still discussing this, and I suspect that further discussion will continue to go on in years to come, as to exactly what the best tests are and exactly how to measure the learning results.

There are a couple issues that I would like to address. The MEA at the 11th grade has never been tied to the diploma. If we were concerned about that particular issue and if it had been a part of previous legislation, then we would have to be concerned about the fact that the MEA is a criterion reference test and, as has already been discussed, the classic SAT is a predictive test. Those differences are much less important, given the fact that, as a policy issue we have not tied the 11th grade MEA to it being an exit test for the diploma, instead, in a previous session, this body chose to adopt legislation that tied the diploma to something called the Local Assessment System. There are a few districts in this state that have made some use of the 11th grade MEA as a part of their system, but that was almost in spite of the legislation and not because of it. It was a local choice. What we are really, as a committee, now studying, and have been for the last year and a half, is exactly what is working with this Local Assessment System policy and what isn't working. In fact, we have a session on Friday where we are really digging into that issue to cap our previous efforts. With that in mind, as a policy level, the choice of a specific test such as the SAT as opposed to the MEA makes sense because so many of our students do take the SAT very seriously for good reason. We, too, share some of the concerns that have been expressed. Yes we do not want our students to feel that they have been pegged, but at the same time, since it is not going to be used as an exit test, we do not feel that that is going to be a problem. We have already, as a legislative body, in a variety of ways, discussed and shown support for increasing the number of Maine students who go on to get a post secondary education. This is certainly a piece of policy that is in step with that goal. For all of those reasons and others I, too, will be supporting the Ought Not to Pass on this bill and respectfully ask you to join me. Thank you.

Representative BOWEN of Rockport 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: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative MERRILL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise this morning, or afternoon actually, to oppose the pending motion and I would like to tell you why. I agree with points that have been made by the three previous speakers. The jury is still out with me as to whether the SAT is the right test to replace the MEA. I really don't think that we have all the facts at our fingertips right now to make this decision as to whether the MEA should be replaced by the SAT, but I have signed onto the Minority Report because I agree with the points made by the good Representative from Rockport that this process was not a good process. This was a process that was, I believe, put on the fast track in order to effectively prevent the Legislature from being able to stop this. The Bangor Daily News editorialized in one particular piece by Todd Benoit, that was entitled, I believe, "No Legislator Left Behind". It was a fairly amusing little title, but the point was that this was put on a fast track. I found out about how fast the fast track was after we were briefed by the Commissioner of Education in our committee last fall. We were briefed, but it was a very brief briefing and we were not entitled to a lot of opportunity to ask the hard questions. It was a day that we were

convened and worked through a number of subjects and the discussion that pertained to this particular test may have lasted a half-hour if that.

Certainly, very few of us, when we left here last year, thought that the MEA was going to be replaced with the SAT this year. The majority of our committee had given the commissioner authorization to go forth and look for alternatives to the MEA. But certainly speaking for myself and for several other members of the committee none of us had a clue that it was going to happen this fast without the Legislature really having a meaningful opportunity to discuss this.

After we were briefed last fall and after I started receiving a lot of emails and phone calls from concerned constituents of mine, as well as folks from outside of my own district, I decided to host two public forums – one in Waldo County and one in Knox County, because I have towns in Knox County. The forums were well attended and they were overwhelmingly in opposition to the replacement of the test. I heard a variety of reasons and you have heard a sampling of the arguments here today. There were substantive concerns about whether or not we should jump from the track that we have been moving down with Learning Results and the MEA and there were concerns about whether or not the SAT is the appropriate test, but I also heard, we heard, a lot of concerns from the guidance councilors and the principles and the teachers, procedural questions, process questions. They said to us, "This test is going to be administered on a Saturday, we are going to have an awful lot of students who we know darn well are not going to come in for a Saturday test. Under the rules that our schools are currently under, if a certain percentage of the students don't show up for a test the schools find themselves on the failing list. Why can't we wait and slow this down?" Even people who agreed with substituting the test said "slow it down", but I found out at the first forum that there really was probably not going to be a slowdown and everyone else at the forum heard it.

I invited several representatives from the Department of Education and they came, did a good job and made their case, but we learned at that forum that the guidance councilors were already in the process of registering the kids who require special accommodation to take the test. So, it was fairly clear to me at that time that I knew that two pieces of legislation had been filed as legislative requests, but I didn't know at that point which were going to make it in, but it was clear to me that this was on the fast track and that this was going to happen. Look at it, now it is March. I was a little late getting in here this morning because I have one child taking the MEA, so I was driving in wondering if this was going to remain on the table until April and, Mr. Speaker, I am glad that it didn't. I am glad that we are at least discussing it in March, but this test is going to happen unless this body makes a decision to put it forward. If we decide that we are going to stop it what is going to happen? The 11th graders in the State of Maine won't take the MEA. Is the federal government going to come down and take away our No Child Left Behind money just because the Maine Legislature in the month of March said, "Wait a minute? We are not sure about this." The eight graders are still taking the MEA.

The good Representative from Orono made the comment that she could talk about this for a long time and I could as well, but I will defer. I would just like to ask all of you to think about this.

Several speakers have said that we should be thinking about the children. Of course we should be thinking about the children, but if the MEA or the SAT doesn't go forward next month, the sky is not going to fall in. Thank you Mr. Speaker.

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 don't particularly want the conversation to go on forever, but my seatmate, the good Representative from Appleton, Representative Merrill, has pointed out that that was August and this is March and in that period of time an awful lot of the people who had some original problems with using the SAT in place of the MEA have changed their mind. I thought that you might like to know. I am usually a woman of fewer words, but people who are also on the Ought Not to Pass side are Maine School Management, Maine Principals' Association, Maine Education Association and we had several superintendents come and talk to us; I have written down only Superintendent Gallaudet's name.

Many of the people who started out wondering about whether this was a good idea or not actually faded into the background because they became more convinced that the decision had to be made in order to have a test this year too. So, I just wanted you to know who was also on the Ought Not to Pass side. Thank you.

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

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last year this body adopted LD 1, a radically different approach to school funding. As the peoples' Representatives we have been made, and certainly I have been made, and probably many have you have been made quite aware by our constituents of the many, many problems, inefficiencies and inequalities in funding for school transportation, teacher compensation and even per-school payments. We have not gotten it right.

The Department of Education has not gotten it right, not yet anyway. Maybe the Department of Education should be spending its available time, energy and money on these ongoing and omnipresent problems, rather than working overtime to create a whole new set of problems to solve by changing tests in midstream. Please vote against this pending motion.

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. 372

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Davis G, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Eder, Edgcomb, Faircloth, Farrington, Finch, Fisher, Flood, Goldman, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McKenney, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Simpson, Smith N, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Dudley, Duprey, Fischer, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Moulton, Nass, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Bierman, Emery, Gerzofsky, Grose, Hotham, Moore G, Nutting, Percy, Smith W, Stedman.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

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### SENATE PAPERS

Bill "An Act To Strengthen Maine's Craft Brewers"

(S.P. 792) (L.D. 2048)

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

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

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### CONSENT CALENDAR

#### First Day

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

(S.P. 756) (L.D. 1966) Bill "An Act To Make Allocations from the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 524) (L.D. 1508) Bill "An Act To Regulate Fire Alarm Contractors" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-468)**

(S.P. 684) (L.D. 1767) Bill "An Act To Clarify the Charitable Solicitations Act" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)**

(S.P. 757) (L.D. 1967) Bill "An Act To Support Fishing Derbies" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-463)**

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

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### REPORTS OF COMMITTEE

#### Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-467)** on Bill "An Act To Amend the Statutes Governing the Commercial Fishing Safety Council"

(S.P. 681) (L.D. 1764)

Signed:

Senators:

DAMON of Hancock

SULLIVAN of York

ANDREWS of York

Representatives:

PERCY of Phippsburg

FLETCHER of Winslow

EMERY of Cutler

DUGAY of Cherryfield

ASH of Belfast

EDER of Portland

KAELIN of Winterport

ADAMS of Portland

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

Signed:

Representative:

CRESSEY of Cornish

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-467).**

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-467)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 9, 2006.

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#### Ought to Pass Pursuant to Resolve

Report of the **Joint Standing Committee on Natural Resources** on Resolve, Regarding Source Water Protection Recommendations

(S.P. 785) (L.D. 2037)

Reporting **Ought to Pass** pursuant to Resolve 2005, chapter 29.

Came from the Senate with the Report **READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

Report was **READ and ACCEPTED.** The Resolve was **READ ONCE** and assigned for **SECOND READING** Thursday, March 9, 2006.

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#### Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-798)** on Bill "An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters"

(H.P. 1312) (L.D. 1872)

Signed:

Senators:

NUTTING of Androscoggin

BRYANT of Oxford

RAYE of Washington

Representatives:

PIOTTI of Unity

CARR of Lincoln

JODREY of Bethel

JENNINGS of Leeds

MAREAN of Hollis

LUNDEEN of Mars Hill

FLOOD of Winthrop

SHERMAN of Hodgdon

EDGEComb of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-799)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

**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-798)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 9, 2006.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-806)** on Bill "An Act To Allow Smelt Dipping in Long Lake in Aroostook County" (H.P. 1253) (L.D. 1813)

Signed:

Senators:

BRYANT of Oxford  
PERRY of Penobscot

Representatives:

WATSON of Bath  
LUNDEEN of Mars Hill  
SAVIELLO of Wilton  
MOODY of Manchester  
JACKSON of Allagash

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro  
CEBRA of Naples  
RICHARDSON of Greenville  
RICHARDSON of Carmel  
SYKES of Harrison

**READ.**

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

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

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-802)** on Bill "An Act To Create a Tiered Wholesale Seafood Dealer's License" (EMERGENCY) (H.P. 1373) (L.D. 1961)

Signed:

Senator:

DAMON of Hancock

Representatives:

PERCY of Phippsburg  
FLETCHER of Winslow  
EMERY of Cutler  
DUGAY of Cherryfield  
CRESSEY of Cornish  
ASH of Belfast  
EDER of Portland  
KAELIN of Winterport  
ADAMS of Portland

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

Signed:

Senators:

SULLIVAN of York  
ANDREWS of York

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-802)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 9, 2006.

## SENATE PAPERS

Bill "An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (S.P. 791) (L.D. 2047)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Pursuant to his authority under House Rule 401.1, the Chair assigned Representative MAKAS of Lewiston to seat 53 and Representative O'BRIEN of Lewiston to seat 55, effective immediately.

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The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy who wishes to address the House on the record.

Representative PERCY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to Roll Call 372, on LD 1798 I would have voted yea.

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

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On motion of Representative BARSTOW of Gorham, the House adjourned at 12:56 p.m., until 10:00 a.m., Thursday, March 9, 2006 in honor and lasting tribute to Philip Chauncey Libby, of Buxton, Robert R. Doyle, of Gorham and Margaret A. Strout, of Gorham.