

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

July 29, 2005

**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND REGULAR SESSION  
28th Legislative Day  
Monday, March 27, 2006

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

Prayer by Chaplain E. Scott Dow, Riverview Psychiatric Center, Augusta.

National Anthem by Jacqui Lochridge, Sabattus.

Pledge of Allegiance.

The Journal of Thursday, March 23, 2006 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances"

(H.P. 1080) (L.D. 1535)

Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832)** in the House on March 21, 2006.

Came from the Senate with Report "B" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-833)** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 419)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 20, 2006

The Honorable Beth Edmonds

President of the Senate

The Honorable John Richardson

Speaker of the House of Representatives

122nd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker

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

Sincerely,

S/Senator John M. Nutting

Senate Chair

S/Representative John F. Piotti

House Chair

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

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The Following Communication: (H.C. 420)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 20, 2006

The Honorable Beth Edmonds

President of the Senate

The Honorable John Richardson

Speaker of the House of Representatives

122nd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker

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

Sincerely,

S/Senator John M. Nutting

Senate Chair

S/Representative John F. Piotti

House Chair

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

---

The Following Communication: (H.C. 421)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 20, 2006

The Honorable Beth Edmonds

President of the Senate

The Honorable John Richardson

Speaker of the House of Representatives

122nd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Wild Blueberry Commission of Maine and the Wild Blueberry Advisory Committee under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting

Senate Chair

S/Representative John F. Piotti

House Chair

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

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The Following Communication: (S.P. 829)

**STATE OF MAINE**

**122ND MAINE LEGISLATURE**

March 20, 2006

Sen. Elizabeth H. Mitchell

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
122nd Legislature  
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:  
Please be advised that Governor John E. Baldacci has nominated the following as members to the Maine Maritime Academy Board of Trustees:

Nicole St. Pierre of Castine for appointment  
William Bullock of Orrington for appointment  
Harrison Richardson of Gorham for reappointment  
Pursuant to Public Law 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.  
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 **EDUCATION AND CULTURAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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The Following Communication: (S.P. 830)

**STATE OF MAINE**  
**122ND MAINE LEGISLATURE**

March 21, 2006  
Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Simpson  
House Chair, Joint Standing Committee on Judiciary  
122nd Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:  
Please be advised that Governor John E. Baldacci has nominated the following as District Court Judges:

John Nivison of Augusta for reappointment  
John Romei of Calais for reappointment  
Andrew Horton of Portland for reappointment  
Ann Murray of Bangor for reappointment  
Pursuant Title 4 M.R.S.A. §157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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 **JUDICIARY**.

**READ** and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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The Following Communication: (S.P. 831)

**STATE OF MAINE**  
**122ND MAINE LEGISLATURE**

March 21, 2006  
Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary  
122nd Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:  
Please be advised that Governor John E. Baldacci has nominated Andrew Mead of Bangor for reappointment as a Maine Superior Court Justice.

Pursuant Article V, Part 1, Section 8 of the Maine Constitution, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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 **JUDICIARY**.

**READ** and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

(H.P. 1483) (L.D. 2091)

Sponsored by Representative DRISCOLL of Westbrook.  
(GOVERNOR'S BILL)

Cosponsored by Representative: DUPLESSIE of Westbrook,  
Senator: BARTLETT of Cumberland.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Sent for concurrence.

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Bill "An Act To Allow a Second Opportunity To Elect Coverage under the State Group Health Plan"

(H.P. 1484) (L.D. 2092)

Sponsored by Representative JACKSON of Allagash.  
Cosponsored by Senator MARTIN of Arrostook and Representative: FARRINGTON of Gorham.

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

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

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

Sent for concurrence.

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

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-504)** on Bill "An Act To Deter Environmental Terrorism in the State"

(S.P. 706) (L.D. 1789)

Signed:  
Senators:  
DIAMOND of Cumberland

CLUKEY of Aroostook  
NUTTING of Androscoggin

Representatives:  
PLUMMER of Windham  
GREELEY of Levant  
GROSE of Woolwich  
DAVIS of Augusta  
PARADIS of Frenchville

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

Signed:  
Representatives:  
BLANCHETTE of Bangor  
HANLEY of Gardiner  
CHURCHILL of Washburn  
GERZOFISKY of Brunswick  
SYKES of Harrison

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-504).**

**READ.**

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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Eight Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass** on Bill "An Act To Clarify the Uninsured Motorist Laws"

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

Signed:  
Senator:  
SULLIVAN of York

Representatives:  
McKANE of Newcastle  
LINDELL of Frankfort  
PILON of Saco  
VAUGHAN of Durham  
GLYNN of South Portland  
RICHARDSON of Warren  
MARRACHÉ of Waterville

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-870)** on same Bill.

Signed:  
Senator:  
MAYO of Sagadahoc

Representatives:  
PERRY of Calais  
BRAUTIGAM of Falmouth  
HARLOW of Portland

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:  
MILLS of Somerset  
**READ.**

Representative MARRACHÉ of Waterville moved that the House **ACCEPT** Report "A" **Ought to Pass.**

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHÉ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was getting a little worried that I was being superseded for a minute there. I just wanted to speak briefly on this bill. It is a very confusing bill and we have had it in our committee for a long time and we voted on this many times and our names were all over the place and what we came up with was all over the place and we finally settled on this outcome as you see before you in the Calendar. This bill was brought about due to a case that occurred in the state of Maine where a young girl, at the age of 21, who had been living with her mother and her parents were divorced I believe and the father and mother were not living together, was hit by a car and killed and her insurance was billed for a wrongful death suit along with the mother who claimed it under her car insurance and then her father did as well and it was brought all the way to the Supreme Court for the State of Maine to find out if that was indeed something that we could do, three different people filing in the same wrongful death suit and it was approved.

The intent of this law when it was first passed was for car insurance for the person who was driving or those who were in the car and not necessarily other people to make claims against their own car insurance for somebody who died in their family and if this were to pass, unfortunately we will see more and more people filing wrongful death suits and we may see our car insurance premiums increasing. What we are trying to seek in Report "A" is to keep it as it was originally intended. The intent of the law was to cover the motorist and that is all and to not let other people make claims upon it. Thank you.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass.**

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 Report "A" Ought to Pass. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 395**

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Duprey, Eberle, Edgecomb, Emery, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Grose, Hall, Hamper, Hanley B, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lerman, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Vaughan, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Blanchette, Bliss, Brautigam, Bryant, Burns, Canavan, Craven, Duplessie, Eder, Gerzofsky, Harlow, Hutton, Makas, Marley, Percy, Simpson, Smith W, Twomey, Walcott, Watson.

ABSENT - Adams, Crosby, Dudley, Dugay, Dunn, Faircloth, Fischer, Goldman, Greeley, Hanley S, Hogan, Hotham, Koffman,

Lansley, McFadden, Mills, Norton, Patrick, Perry, Rector, Rines, Sampson, Stedman, Thomas.

Yes, 107; No, 20; Absent, 24; Excused, 0.

107 having voted in the affirmative and 20 voted in the negative, with 24 being absent, and accordingly Report "A" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 28, 2006.

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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:

(H.P. 1325) (L.D. 1885) Bill "An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-876)

(H.P. 1333) (L.D. 1892) Bill "An Act To Prevent Price Gouging" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-875)

(H.P. 1435) (L.D. 2035) Bill "An Act Regarding Storm Water Program Administration" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-879)

(H.P. 1443) (L.D. 2049) Bill "An Act To Amend the Laws Regarding Aquaculture Leases" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-880)

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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(H.P. 1378) (L.D. 1968) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-878)

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

The Unanimous Committee Report was **READ**.

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

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### CONSENT CALENDAR

#### Second Day

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

(S.P. 591) (L.D. 1609) Bill "An Act To Establish the Uniform Partnership Act" (C. "A" S-506)

(H.P. 1384) (L.D. 1976) Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 802) (L.D. 1159) Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts" (C. "A" H-873)

(H.P. 1271) (L.D. 1831) Bill "An Act To Allow Law Enforcement Agencies To Maintain Public Sex Offender Registry Websites" (C. "A" H-867)

(H.P. 1355) (L.D. 1914) Bill "An Act To Increase Wheelchair Van Services Reimbursement Rates" (C. "A" H-871)

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

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

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(H.P. 1329) (L.D. 1889) Bill "An Act To Amend the Election Laws" (EMERGENCY) (C. "A" H-866)

On motion of Representative GLYNN of South Portland, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A"** (H-866) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

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

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### BILLS IN THE SECOND READING

#### House as Amended

Bill "An Act To Make Revisions to the Laws Governing Pesticide Control"

(H.P. 1330) (L.D. 1890)

(C. "A" H-860)

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

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

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### ENACTORS

#### Acts

An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers

(H.P. 1327) (L.D. 1887)

(C. "A" H-813)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

The same Representative moved to **TABLE** pending **PASSAGE TO BE ENACTED**.

Subsequently, the same Representative **WITHDREW** his motion to **TABLE** pending **PASSAGE TO BE ENACTED**.

On motion of Representative PINGREE of North Haven, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-813)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-884)** to **Committee Amendment "A" (H-813)** which was **READ** by the Clerk.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Very briefly, I just want to make sure that the members of my committee and others know that this is really a technical amendment that our analysts and the Speaker's Council found. We made some very small adjustments changing the titles of childcare facilities and other types of children's facilities. It was recommended by the Childcare Advisory Board and when the amendment was drafted it left out the portion that said that this would be a routine technical rule. I think our committee knows about the major substantive rules. We spent a great deal of time on those this year and this just clarifies that this will be routinely technical. Thank you Mr. Speaker.

**House Amendment "A" (H-884)** to **Committee Amendment "A" (H-813)** was **ADOPTED**.

**Committee Amendment "A" (H-813)** as Amended by **House Amendment "A" (H-884)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-813)** as Amended by **House Amendment "A" (H-884)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 23, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of the Honorable Jane Saxl of Bangor

(SLS 946)

- In Senate, **READ** and **ADOPTED**.

**TABLED** - March 2, 2006 (Till Later Today) by Representative **CUMMINGS** of Portland.

**PENDING - ADOPTION**.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** in concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services"

(S.P. 818) (L.D. 2086)

- In Senate, **REFERRED** to the Committee on **LABOR**.

**TABLED** - March 21, 2006 (Till Later Today) by Representative **BLISS** of South Portland.

**PENDING - REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR** in concurrence.

**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-865)** - Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit"

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

**TABLED** - March 23, 2006 (Till Later Today) by Representative **CLARK** of Millinocket.

**PENDING** - Motion of same Representative to **ACCEPT** the **Minority OUGHT TO PASS AS AMENDED** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is one of a score or more that were recently submitted that are based on the recommendations of the Study Commission Regarding Livable Wages, a concept that in itself is not universally accepted. The bill increases the state-earned income credit from five to thirty percent of the federal-earned income credit and makes the credit refundable. We have already had similar bills, a number of them. In the first session of the 120th Legislature we had LD 17, LD 1148 and LD 1591. In the first session of the 121st Legislature there were other similar bills including LD 378 and just last year in the first session of the current Legislature it was LD 328. So, the idea has already gone down to defeat once in the 122nd Legislature, but here it is again.

In a memo from Maine Revenue Services we were informed that, based on an analysis of the Government Accounting Office, approximately one-third of government income claims are erroneous. Because we can expect a similar error rate on state returns claiming the state earned income credit and because the amount of the credit has increased significantly and will be refundable, an additional tax examiner will be required to audit the work.

Now, you may have been told that the cost of this bill is fairly modest; it will cost just over \$665,000 for '06 - '07. However, after that the honeymoon is over and it gets expensive, \$44.4 million in '07 - '08 and \$45.2 million the following year. Mr. Speaker, ladies and gentlemen of the House, I plan to vote against this idea and hope that you will follow my vote of no on the Ought to Pass as Amended motion that is before us. Mr. Speaker, when the vote is taken I request a roll call.

Representative **CLOUGH** of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority 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 Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am proud to inform you that I did serve as the chair of the Livable Wage Commission, a commission established by this Legislature last year. We met through the course of the summer and fall and received a lot of information from many people. We put together a report that I think many of you have seen in executive summary form or in the full report. We came up with a total of 19

recommendations including seven legislative initiatives with the bill before us today being one of those.

We looked at a variety of things. There were a variety of factors that influenced the ability of Mainers to make ends meet and work at the same time. This is geared toward identifying what the factors are that will allow Maine people to get beyond trying to piece their lives together. I suspect that you know that one of three working Mainers earns less than a livable wage, which means that on their pay they cannot meet the basic needs of themselves and their families. There is no more important bill coming before the Legislature this year than this bill to help out working families of modest means.

One of the things that this bill does is that it creates an incentive and a reward for work. I think that we are all concerned about social programs that create a culture of dependence and a culture of entitlement. I think that some of us have different opinions as to what extent we should go as a Legislature in providing for basic needs for people in Maine, but this is not like that. This is an effort to reward work and to emphasize people getting out there and being gainfully employed and making money that is necessary to meet their family's needs.

Another piece of this legislation is addressing the issue of the inequity in the tax burden in the State of Maine. People of modest means pay nearly twice the percentage of income than people of greater means. In other words, the tax burden on the low-income people in this state is nearly twice as much as the rest of us. This is an effort to give people the opportunity to keep more of the money that they make so that they can pay for housing, health insurance, transportation, food and other basic necessities. This is a very, very important bill.

Also, quite frankly, we have discussed the potential advantages of federal conformity. This puts us more in line with the federal tax laws by providing an earned income tax credit for low-income folks. There are a number of other states that have done this. It has made a big difference in those states and there are a number of other states that allow that tax credit to be refundable which is what this bill proposes. Again, this is a very, very important piece of legislation. It does have a big price tag. Some might argue that this bill really should be part of a comprehensive tax reform package, but at the same time, I think that we have all seen in our days here that a comprehensive tax reform package is a very, very difficult thing to accomplish in this institution and that we shouldn't put aside issues that are important to this state because we are waiting for comprehensive tax reform to take place. I, by the way, would love to see that happen and I think that we owe it to the citizens of Maine to do that, but I don't want to wait until that day. We can take this step today, which is an important step toward protecting working people in the State of Maine and providing them more income to make their basic needs and then come back and work on other pieces. As you all know, whether you like it or not, this is an institution that works incrementally; that seems to loath comprehensive approaches to things. So, I request that you just put that consideration aside and embrace this legislation.

Just as an aside, since I have the floor, a couple of other things that we did recommend have to do with the need to invest in higher education and economic development. I think that we all want people in Maine to be more prosperous than they are and we all know the importance of making investments in this global economy.

As far as the notion of livable wage is concerned, the thing that the committee wrestled with was that it is not about increasing wages necessarily. It is about making sure that people, based on wages that they have, can make ends meet. So, that is one of the things that this bill gets at. It's really what

you have left at the end of day based on the money that you receive for the work that you do that determines your ability to meet your basic needs. This keeps more of people's earned wages in their pockets as opposed to it being paid out in the form of taxes. I very much appreciate your consideration of this bill; hope you will support the Minority Ought to Pass Report and thank you very much. Thank you Mr. Speaker.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The idea of a refundable earned income tax credit is not a new idea; it is one that this Legislature has considered in the past. I believe that in two of the past three Legislatures in which I have been involved we have rejected it by bipartisan votes for the very simple reason that we cannot afford it. When you look at the projected fiscal note and you understand that you are setting us up for a cost of \$40 million a year, you understand that we are creating a false expectation and an unrealistic hope on the part of the people who would otherwise benefit from this legislation. I urge you to vote against this as previous Legislatures have done and not create this unrealistic expectation.

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

#### ROLL CALL NO. 396

YEA - Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Gerzofsky, Grose, Harlow, Jackson, Lerman, Makas, Mazurek, Miller, O'Brien, Paradis, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Ash, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Finch, Fitts, Flood, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Adams, Bryant-Deschenes, Dudley, Emery, Fischer, Fisher, Fletcher, Goldman, Greeley, Hanley S, Hogan, Hotham, Hutton, Koffman, Lansley, Marley, McFadden, Mills, Norton, Patrick, Perry, Rector, Sampson, Stedman, Thomas.

Yes, 51; No, 75; Absent, 25; Excused, 0.

51 having voted in the affirmative and 75 voted in the negative, with 25 being absent, and accordingly Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the Majority **Ought Not to Pass Report was ACCEPTED** 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. 1389) (L.D. 1982) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-881)**

(H.P. 1396) (L.D. 1994) Bill "An Act To Preserve Patient Records" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-882)**

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

**ENACTORS**

**Emergency Measure**

An Act To Assist Maine Military Families

(S.P. 664) (L.D. 1747)

(C. "A" S-492)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative CLARK of Millinocket **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 397**

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hamper, Hanley B, Harlow, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Adams, Dudley, Emery, Goldman, Greeley, Hanley S, Hogan, Hotham, Koffman, Lansley, McFadden, Mills, Norton, Patrick, Perry, Rector, Sampson, Stedman, Thomas.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 being absent, and accordingly the Bill was

**PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Clarify Maine State Retirement System Benefits for Certain Legislators

(H.P. 1246) (L.D. 1806)

(C. "A" H-824)

An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel

(H.P. 1339) (L.D. 1898)

(C. "A" H-823)

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.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales"

(S.P. 604) (L.D. 1627)

Signed:

Senators:

PLOWMAN of Penobscot

GAGNON of Kennebec

Representatives:

FISHER of Brewer

PINKHAM of Lexington Township

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

MOORE of Standish

NASS of Acton

BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-518)** on same Bill.

Signed:

Senator:

MITCHELL of Kennebec

Representative:

OTT of York

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

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 777) (L.D. 2014) Bill "An Act Protecting Youth from Losing Health Insurance Coverage" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-512)**

(S.P. 791) (L.D. 2047) Bill "An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-510)**

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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The House recessed until 11:50 a.m.

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(After Recess)

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The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-866)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Election Laws" (EMERGENCY)

(H.P. 1329) (L.D. 1889)

Which was **TABLED** by Representative GLYNN of South Portland pending **PASSAGE TO BE ENGROSSED**.

Representative GLYNN of South Portland **PRESENTED House Amendment "A" (H-888)**, which was **READ** by the Clerk.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill before us is a Unanimous Committee Report out of the Joint Standing Committee on Legal and Veteran's Affairs dealing with some election law changes. Overall I think that the bill is a terrific bill and I think that it has some great elements in it that should be enacted as Maine law.

There is one aspect of the bill that was very troubling to me that I have addressed in this amendment and what the issue deals with is lowering the setback of campaign activity at the polling places. Under current Maine state law you are not allowed to electioneer within 250 feet of a polling place. That means that you can't have picket lines within that 250-foot free zone. You can't allow campaign signs, you can't have electronic devices with bullhorns and this law has been in place for a number of years in the state. The bill has this one change that lowers that 250-foot restriction down to 100 feet from the entrance, which means all of that political activity, if this bill is adopted all moves to 100 feet from it including the bullhorns and all of the rest of the crazy stuff. I don't know about your community, but in my community we do have a number of politicians that do push the envelope when it comes to the 250-foot setback and our clerk and our polling wardens don't need to, I believe, contend with that confusion.

The Maine Municipal Association provided written testimony to the committee and they were neither for nor against the bill and the reason why is that they approved almost all of the facets for the bill except for this one issue and I would like to just read from their written testimony to the joint standing committee. They wrote, "Municipal officials are concerned with the sections of the bill changing to the 'no influence zone' around polling places. The two changes being proposed are one, to reduce the area where campaign advertising materials can be posted on public property from 250 feet down to 100 feet of the entrance of the polling place and two, to apply the campaign materials limit only for candidates and issues currently on the ballot. Municipal officials oppose both these changes first, municipal officials believe that the 100-foot setback is too close to the polling places and municipal officials do not understand why the change, considering that it applies to public property is necessary." The amendment that I offer is very simple. It just leaves that restriction at the current 250 feet that everyone is familiar with and has applied in the State of Maine and I urge your adoption of this amendment. Thank you.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I only rise to clarify why the Legal and Veteran's Committee went to 100 feet on that. That was a recommendation from the Secretary of State and reading from that it says, "They had requested going from 250 to 100, this change will help our office to resolve some issues regarding activities at the polls that arose during recent elections and to avoid potential legal challenges to our current statutes." There had been a court case in Tennessee which upheld the 100 feet; they felt that the 250 was too restrictive and that was the reason that it was the recommendation of the committee to go with it at that time. Thank you.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to rise in support of this amendment for a couple of reasons. First of all, just because another state did something with their laws and it was okay doesn't mean that it works in Maine. We all know that we have a lot of small towns and some very tight knit communities and it is no surprise to any of us that there are problems at the polls, especially with our referendum and petitioning process. I think that if this amendment is not adopted it is going to make that problem much worse. There are some folks that are out there that are very aggressive in their support of their candidates and their issues and that 250-foot buffer allows communities to keep this under control. You are just going to bring that chaos closer to the polls if you support this bill without this amendment. Also, some of these communities, in particular I remember my own, the entrance to the polling place was turned into chaos. There were signs all over Route 1 and people going in and out of the entry way. Well, Route 1 is a road that has a lot of traffic and a lot of big trucks and it really created a health hazard so I support the bill, but I also support this amendment and think that it makes a great deal of sense and I hope that this chamber will adopt this amendment. 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. The idea of Election Day is to encourage people to go and vote their consciences. It is to encourage people to participate in the whole elective and governmental process. Picture if you will, advocates

stopping everybody that walked up to elicit support and think about it being less than 100 feet from the polling place and so it is very difficult to get through these people without being stopped by them. Picture if you will, marchers with signs and people yelling and finally, picture if you will, bullhorns blaring and think about whether or not you would want to go in and vote. The idea is to encourage, not to discourage participation. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too would like to weigh-in in support of this amendment. This is an important change to an important piece of legislation. In reading the bill I am very concerned that we could have a situation, if we bring down this safety zone from 250 feet as it exists now to 100 feet where we could have radical protesters 100 feet from the polling place with bullhorns shouting at members of the public going to vote and creating chaos and havoc. This particular matter was brought to my attention by the ballot clerk in Searsport, they are very, very concerned and they indeed wrote a letter to the committee to address this. I don't find it sufficient to just defer because there might be a legal case. Let's not surrender the battle before it has been fought. We have a very competent Attorney General who can fight this out in court if it needs to be, but for the time being let's show the intent of the Legislature to keep the existing safety zone of 250 feet around our polling places. Thank you Mr. Speaker.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, being a member of the committee I know that the chair and I had talked to Representative Glynn and we do welcome this amendment. We think it is a good idea and we encourage your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At the time that the committee discussed this bill there were many, many more important elements to it than this aspect of distance from the polls. So I would encourage people to vote for the amendment that Representative Glynn has suggested. It actually catches up with some of the loose ends that we may have overlooked in the committee. I voted for it in committee and I expect to vote for it here, but I think that this amendment is important. Thank you Mr. Speaker.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-888)**.

A vote of the House was taken. 106 voted in favor of the same and 22 against, and accordingly **House Amendment "A" (H-888)** was **ADOPTED**.

The House Paper was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-866)** and **House Amendment "A" (H-888)** and sent for concurrence.

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The following item was 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 23, 2006, had preference in the Orders of the Day and continued with

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

Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta (EMERGENCY)

(H.P. 1473) (L.D. 2082)

TABLED - March 22, 2006 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative BARSTOW of Gorham **PRESENTED House Amendment "A" (H-886)**, which was **READ** by the Clerk and **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-886)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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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 Bowdoinham, Representative Hutton who wishes to address the House on the record.

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I been present for roll call vote number 396 I would have voted yea.

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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, Ladies and Gentlemen of the House. I would be remiss, having been a graduate of the University of Maine, to mention today that the University of Maine hockey team defeated Michigan State 5-4 yesterday to win the Eastern Regional NCAA Division 1 Championship in Albany, NY and now the team is going to the Frozen Four. The last time that they went to Wisconsin in 2001, they won the National Championship and I am hoping that things happen again this year so that we might invite them up, so go Maine!

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Had I been present for Roll Call 396 I would have voted yea.

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On motion of Representative JACKSON of Allagash, the House adjourned at 12:49 p.m., until 10:00 a.m., Tuesday, March 28, 2006.