

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
32nd Legislative Day
Friday, March 31, 2006

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

Prayer by Reverend Jeffrey Hunt, Brunswick United Methodist Church.

National Anthem by Cindy Morin, Greene.

Pledge of Allegiance.

Doctor of the day, Maroulla Gleaton, M.D., Palermo.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act To Amend the Law Regarding Smoking in Private Clubs (EMERGENCY)

(H.P. 1342) (L.D. 1901)

(C. "A" H-830)

PASSED TO BE ENACTED in the House on March 28, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AND SENATE AMENDMENT "A" (S-537) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

COMMUNICATIONS

The Following Communication: (S.C. 582)

MAINE SENATE

122ND LEGISLATURE

OFFICE OF THE SECRETARY

March 30, 2006

Honorable John Richardson

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Committee on Judiciary, the nominations of:

Kristin L. Aiello of Hallowell for reappointment to the Maine Human Rights Commission;

Paul F. Jacques of Waterville for appointment to the Maine Indian Tribal-State Commission;

Michael M. Hastings of Hampden for reappointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Business Research and Economic Development, the nominations of:

Kelly Matzen of Auburn for reappointment to the Finance Authority of Maine;

William H. Beardsley of Bangor for reappointment to the Finance Authority of Maine;

Glenn A. Lamarr of Fort Kent for appointment to the Finance Authority of Maine;

Joyce A. Maker of Calais for reappointment to the Finance Authority of Maine;

Kevin J. Mattson of Hallowell for appointment to the Finance Authority of Maine.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 1488)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill concerning the tracking of the distribution of influenza immunizing agents in the State.

READ and PASSED.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 59)

ORDERED, that Representative Christopher W. Babbidge of Kennebunk be excused Wednesday, March 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Tuesday, March 14th, Thursday, March 16th and Wednesday, March 29th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative George W. Hogan, Sr. of Old Orchard Beach be excused Monday, March 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Scott E. Lansley of Sabattus be excused Monday, March 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused Tuesday, March 21st, Wednesday, March 22nd, Thursday, March 23rd and Monday, March 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janet T. Mills of Farmington be excused Thursday, March 23rd for personal reasons and Monday, March 27th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher Rector of Thomaston be excused Monday, March 27th and Tuesday, March 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter L. Rines of Wiscasset be excused Wednesday, March 29th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Vaughn A. Stedman of Hartland be excused Wednesday, March 22nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Douglas A. Thomas of Ripley be excused Monday, March 27th for health reasons.

READ and PASSED.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-494)** on Bill "An Act To Amend the Laws Governing All-terrain Vehicles"

(S.P. 722) (L.D. 1922)

Signed:

Senators:

BRYANT of Oxford

PERRY of Penobscot

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 731) (L.D. 1931) Bill "An Act To Encourage Energy Independence for Maine" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-523)**

(S.P. 739) (L.D. 1938) Bill "An Act To Protect Victims of Domestic Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-525)**

(S.P. 780) (L.D. 2029) Bill "An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-526)**

(H.P. 1243) (L.D. 1735) Bill "An Act To Authorize Chebeague Island To Secede from the Town of Cumberland" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-915)**

(H.P. 1290) (L.D. 1850) Bill "An Act To Clarify the Change of Beneficiary Provision in the Maine State Retirement System Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-921)**

(H.P. 1444) (L.D. 2050) Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-922)**

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 item appeared on the Consent Calendar for the Second Day:

(H.P. 1470) (L.D. 2078) Bill "An Act To Establish the Island Falls Water District"

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Deter Environmental Terrorism in the State"

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

(C. "A" S-504)

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. **ORDERED SENT FORTHWITH.**

Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"

(S.P. 677) (L.D. 1760)

(C. "A" S-515)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative TARDY of Newport, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

Bill "An Act To Correct Deficiencies in the Divorce Laws"

(H.P. 1252) (L.D. 1812)

(C. "A" H-869)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BEAUDETTE of Biddeford, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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 Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote

ROLL CALL NO. 431

YEA - Adams, Babbidge, Barstow, Blanchard, Blanchette, Brannigan, Brautigam, Brown R, Bryant, Bryant-Deschenes, Burns, Cain, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Lerman, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McKane, Merrill, Miller, Mills, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau,

Pingree, Piotti, Richardson D, Richardson E, Rines, Robinson, Saviello, Schatz, Simpson, Smith N, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Beaudette, Bierman, Bishop, Bowen, Bowles, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Edgecomb, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, McCormick, McFadden, McKenney, McLeod, Millett, Moody, Moulton, Nutting, Pinkham, Plummer, Rector, Richardson M, Richardson W, Rosen, Sampson, Seavey, Sherman, Shields, Sykes, Thomas, Tuttle, Vaughan.

ABSENT - Berube, Bliss, Canavan, Crosby, Dudley, Duplessie, Emery, Fischer, Goldman, Greeley, Hotham, Koffman, Marean, Moore G, Ott, Smith W, Stedman, Watson.

Yes, 74; No, 59; Absent, 18; Excused, 0.

74 having voted in the affirmative and 59 voted in the negative, with 18 being absent, and accordingly the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

An Act To Establish the Uniform Partnership Act and the Uniform Limited Partnership Act

(S.P. 591) (L.D. 1609)
(C. "A" S-506)

TABLED - March 30, 2006 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Procedures for the People's Veto and Direct Initiative

(S.P. 782) (L.D. 2033)
(C. "A" S-513)

On motion of Representative PATRICK of Rumford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve 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" (S-513) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-895) to Committee Amendment "A" (S-513)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will try to explain what the amendment does. Without the amendment there may still be some confusion with regards to deadlines for petitions. The amendment makes it very clear that the 18-month circulation period is in conjunction with when the petitions are due either on the 25th or 50th day after the convening of the Legislature. Without the floor amendment there is some question that it could be interpreted to provide either deadline as an option. So even if the 18-month circulation period is not over, the petitions still must be in on the 50th day for the first legislative session or the 25th day after the second legislative session. Thank you, Mr. Speaker.

House Amendment "A" (H-895) to Committee Amendment "A" (S-513) was ADOPTED.

Committee Amendment "A" (S-513) as Amended by House Amendment "A" (H-895) thereto was ADOPTED.

The RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-513) as Amended by House Amendment "A" (H-895) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act Regarding the Sharing of Costs in Certain School Districts

(S.P. 750) (L.D. 1953)
(C. "A" S-495)

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. This item is already taken care of in the budget so there is no need for this bill.

On motion of Representative NORTON of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory

(S.P. 779) (L.D. 2028)
(C. "A" S-519)

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.

Emergency Measure

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

(H.P. 1384) (L.D. 1976)

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. 118 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.

Emergency Measure

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

(H.P. 1473) (L.D. 2082)
(H. "A" H-886)

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. 102 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act To Amend the Election Laws

(H.P. 1329) (L.D. 1889)
(C. "A" H-866; H. "A" H-888)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Promote Municipal-State Transportation Investment Partnerships

(H.P. 802) (L.D. 1159)
(C. "A" H-873)

An Act To Strengthen Maine's Timber Theft Laws

(S.P. 676) (L.D. 1759)
(C. "A" S-517)

An Act To Allow Smelt Dipping in Mud Brook in Aroostook County

(H.P. 1253) (L.D. 1813)
(S. "A" S-524 to C. "A" H-806)

An Act To Increase Wheelchair Van Services Reimbursement Rates

(H.P. 1355) (L.D. 1914)
(C. "A" H-871)

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.

An Act To Allow Law Enforcement Agencies To Maintain Sex Offender Websites for Public Use

(H.P. 1271) (L.D. 1831)
(C. "A" H-867)

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

The same Representative **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

ROLL CALL NO. 432

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

NAY - NONE.

ABSENT - Berube, Bliss, Canavan, Crosby, Dugay, Eberle, Emery, Fischer, Gerzofsky, Goldman, Hotham, Koffman, Marean, Moody, Moore G, Ott, Seavey, Sherman, Smith W, Stedman, Watson.

Yes, 130; No, 0; Absent, 21; Excused, 0.

130 having voted in the affirmative and 0 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-918)** on Bill "An Act To Amend Certain Animal Health Laws"

(H.P. 1293) (L.D. 1853)

Signed:

Senators:

RAYE of Washington

BRYANT of Oxford

Representatives:

PIOTTI of Unity

CARR of Lincoln

JODREY of Bethel

JENNINGS of Leeds

MAREAN of Hollis

LUNDEEN of Mars Hill

SHERMAN of Hodgdon

EDGEComb of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "C" (H-919)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:
 FLOOD of Winthrop
 TWOMEY of Biddeford

READ.

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

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to provide a brief explanation of this item. This is a simple resolve, which directs the Maine Department of Agriculture to reach out to farmers before going any further with an animal identification program. As you may know, the federal government is in the process of developing a national ID program for animals and the feds' plan concerns some people. It makes sense for the state to be proactive so that we don't actually have to live with what the feds hand down, but it doesn't make sense for the state to move forward without consulting with its own farmers. This resolve simply directs the department to do so first. Thank you.

Representative KAELIN of Winterport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote

ROLL CALL NO. 433

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

NAY - Annis, Bierman, Cebra, Cressey, Crosthwaite, Joy, Kaelin, Lansley, Lewin, Lindell, McFadden, Schatz, Thomas, Vaughan.

ABSENT - Berube, Bliss, Canavan, Emery, Fischer, Goldman, Hotham, Koffman, Marean, Moore G, Ott, Smith W, Stedman, Watson.

Yes, 123; No, 14; Absent, 14; Excused, 0.

123 having voted in the affirmative and 14 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-918)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 3, 2006.

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

CONSENT CALENDAR

First Day

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

(S.P. 660) (L.D. 1743) Bill "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-535)**

(S.P. 666) (L.D. 1749) Bill "An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-530)**

(S.P. 695) (L.D. 1778) Bill "An Act To Protect Children from Contact with Convicted Sex Offenders" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-536)**

(S.P. 709) (L.D. 1792) Bill "An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-533)**

(S.P. 713) (L.D. 1796) Bill "An Act To Ensure the Continued Viability of Affordable Housing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-531)**

(S.P. 714) (L.D. 1797) Bill "An Act To Clarify the Qualifications for the Maine Residents Property Tax Program" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-532)**

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

UNFINISHED BUSINESS

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

An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs

(H.P. 1391) (L.D. 1985)
 (C. "A" H-825)

TABLED - March 28, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative PIOTTI of Unity, 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 as Amended**.

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

Resolve, Establishing an Apportionment Commission To Develop New Cumberland County Commissioner Districts (MANDATE)

(H.P. 1236) (L.D. 1728)
(C. "A" H-840)

TABLED - March 30, 2006 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - FINAL PASSAGE.

On motion of Representative GLYNN of South Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve 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-840)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-926)** to **Committee Amendment "A" (H-840)** 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. I appreciate that you bore with me through all of those procedural motions. The amendment to this bill, LD 1728, is a very simple amendment and it is an important one to the folks down in Cumberland County. This bill is not a statewide election bill. It just deals with an election that is going to be taking place down in Cumberland County and the issue deals with expanding the number of county commissioners. The issue was recently voted on in Cumberland County and the voters of Cumberland County said that they didn't want a charter commission and my concern was that in the bill, when you read the fine details, this bill, if it was enacted as it stood, would be calling a special election in Cumberland County in June of 2007 after the voters had already voted on the charter and my concern is that having a vote in June of 2007 would be a special election. There aren't any June primary elections that would be happening and we would be calling out the voters just for this one item. One of the issues that I hear a lot from my constituents is that they don't like special elections and they don't understand why we can't time our things here in the Legislature to vote when the majority of voters go to the polls in November. Additionally, down in South Portland, my community, we made the decision locally to do away with municipal elections that were transpiring in those odd months in May and we moved our municipal election to November, which I think further speaks to the fact that voters want to vote on issues in the general November elections. So, if this amendment is adopted that's what it will do. It will move the election. Instead of June 2007 it will move it to November 2008 when the majority of voters will be voting and then it would take effect thereafter. I thank you Mr. Speaker and I urge everyone's support.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to take this opportunity to thank the Representative from South Portland for this amendment. As the sponsor of the legislation and the chair of the committee that considered it I am supportive of it and, in retrospect, I feel that it will actually help us in

implementing any changes that come forth from the ballot box. I urge my colleagues' support on this amendment. Thank you, Mr. Speaker.

House Amendment "A" (H-926) to **Committee Amendment "A" (H-840)** was **ADOPTED**.

Committee Amendment "A" (H-840) as Amended by **House Amendment "A" (H-926)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-840)** as Amended by **House Amendment "A" (H-926)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-924)** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

(H.P. 1394) (L.D. 1990)

Signed:

Senators:

SULLIVAN of York
MILLS of Somerset
MAYO of Sagadahoc

Representatives:

PERRY of Calais
McKANE of Newcastle
BRAUTIGAM of Falmouth
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville
HARLOW of Portland

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

Signed:

Representative:

LINDELL of Frankfort

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-924)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 3, 2006.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Dealing with a Work-restricted License"

(H.P. 1399) (L.D. 1997)

Signed:

Senators:

DIAMOND of Cumberland
CLUKEY of Aroostook
NUTTING of Androscoggin

(H.P. 1391) (L.D. 1985)
(C. "A" H-825)

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
CHURCHILL of Washburn
SYKES of Harrison
GROSE of Woolwich
DAVIS of Augusta

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

Signed:

Representatives:

GERZOFSKY of Brunswick
PARADIS of Frenchville

READ.

On motion of Representative BLANCHETTE of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-925)** on Bill "An Act To Amend the Notice of Risk to Personal Data Act"

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

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc

Representatives:

PERRY of Calais
BRAUTIGAM of Falmouth
PILON of Saco
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville
HARLOW of Portland

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

Signed:

Senator:

MILLS of Somerset

Representatives:

McKANE of Newcastle
LINDELL of Frankfort
VAUGHAN of Durham

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-925)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, April 3, 2006.

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

An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs

Which was **TABLED** by Representative PIOTTI of Unity pending **PASSAGE TO BE ENGROSSED as Amended.**

Representative PIOTTI of Unity **PRESENTED House Amendment "A" (H-928)**, which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This item was removed from the Consent Calendar because of a technical problem. This amendment solves that problem and adds some additional clarifying language. Thank you.

House Amendment "A" (H-928) was ADOPTED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-825) and House Amendment "A" (H-928) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

On motion of Representative BURNS of Berwick, the House adjourned at 11:15 a.m., until 9:00 a.m., Monday, April 3, 2006 in honor and lasting tribute to David Hale Jackson, of Berwick.