

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

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**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
 SECOND REGULAR SESSION  
 36th Legislative Day  
 Thursday, April 6, 2006

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

Prayer by Reverend Robert Jewett, St. Giles' Episcopal Church, Jefferson.

National Anthem by Phippsburg Elementary School Band.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 436)

**STATE OF MAINE**

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

April 3, 2006

The Honorable Beth Edmonds  
 President of the Senate of Maine  
 The Honorable John Richardson  
 Speaker of the House  
 122nd Maine Legislature  
 State House  
 Augusta, Maine 04333-0003

Dear President Edmonds and Speaker Richardson:  
 In accordance with Public Law 2003, Ch. 469, Part B, the Joint Standing Committee on Health and Human Services has had under consideration the following appointments by the Governor to the Advisory Council on Health Systems Development: Nona Boyink of Mt. Vernon and Arthur Blank of Bar Harbor.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

**YEAS**

Senators	2	Mayo of Sagadahoc, Rosen of Hancock
Representatives	10	Burns of South Berwick, Campbell of Newfield, Glynn of South Portland, Grose of Woolwich, Lewin of Eliot, Miller of Somerville, Pingree of North Haven, Shields of Auburn, Walcott of Lewiston, Webster of Freeport

**NAYS**

<b>ABSENT</b>	0	
	2	Sen. Martin of Aroostook, Rep. Sockalexis of the Penobscot Nation

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the appointments of Nona Boyink of Mt. Vernon and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development be approved.

Signed,  
 S/Arthur F. Mayo III  
 Senate Chair  
 S/Hannah Pingree  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 437)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 4, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- |           |   |
|-----------|---|
| L.D. 263  | An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities   |
| L.D. 292  | An Act To Establish a New Method of Determining the State Budget  |
| L.D. 636  | An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center   |
| L.D. 756  | An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy  |
| L.D. 799  | An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta   |
| L.D. 876  | An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries   |
| L.D. 890  | An Act To Authorize a General Fund Bond Issue for Certain State Parks   |
| L.D. 891  | An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation   |
| L.D. 926  | An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland   |
| L.D. 999  | An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System                    |
| L.D. 1278 | An Act Requiring Long-range Budget Planning   |
| L.D. 1905 | An Act To Conserve Energy in Maine Homes  |
| L.D. 1915 | An Act To Increase Supervision of Red Tide on the Maine Coast   |
| L.D. 1940 | An Act To Provide an Energy Emergency Relief Fund To Provide Assistance for Home Heating Fuel Costs for Residents of This State, for Gasoline Costs for Service Providers and for Heating Fuel for Health Care Services Providers |
| L.D. 1941 | An Act To Provide Funding for the Maine Clean Election Fund   |

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

Sincerely,  
 S/Sen. Margaret Rotundo  
 Senate Chair  
 S/Rep. Joseph C. Brannigan

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 607)

**MAINE SENATE  
122ND LEGISLATURE  
OFFICE OF THE SECRETARY**

April 4, 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 nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Richard E. Stevenson of Bath for appointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nominations of:

Dennis P. King of Freeport for reappointment to the Maine Community College System Board of Trustees;

Honorable Daniel E. Wathen of Augusta for reappointment to the Maine Community College System Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act Regarding Prepaid Contracts for Heating Fuel"  
(H.P. 1493) (L.D. 2101)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator GAGNON of Kennebec and Representatives: FINCH of Fairfield, FLETCHER of Winslow, MARRACHÉ of Waterville, NUTTING of Oakland, SAVIELLO of Wilton, SIMPSON of Auburn, THOMPSON of China, Senator: MITCHELL of Kennebec.

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

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.

**ORDERS**

On motion of Representative DUDLEY of Portland, the following Joint Resolution: (H.P. 1451) (Cosponsored by Senator BRENNAN of Cumberland and Representatives: ADAMS of Portland, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, CUMMINGS of Portland, EDER of Portland, HARLOW of Portland, MARLEY of Portland, Senator: STRIMLING of Cumberland)

**JOINT RESOLUTION RECOGNIZING DEREK M. LAVALLEE**

WHEREAS, the United States of America at last has duly honored its veterans and fallen heroes of World War II with the

dedication of the National World War II Memorial in Washington, D.C., on Saturday, May 29, 2004; and

WHEREAS, Derek M. LaVallee, Vice President of Susan Davis International in Washington, D.C., provided outstanding leadership in the planning and execution of the dedication of the National World War II Memorial and he was a central component of the success of the event; and

WHEREAS, Derek M. LaVallee's skillful direction of guest services for the dedication ceremony made the event the largest ticketed event ever held on the National Mall in Washington, D.C.; and

WHEREAS, 150,000 individuals participated in this event, a great many of whom were veterans of World War II for whom the dedication was so meaningful and appropriate; and

WHEREAS, Derek M. LaVallee is a native of the State of Maine and a graduate of Deering High School in Portland; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Derek M. LaVallee for his devotion to excellence in his duty in commemorating the service and sacrifice of America's World War II generation; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Derek M. LaVallee with our appreciation and best wishes.

**READ.**

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

Representative **DUDLEY:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor and great personal pleasure to present this Resolution recognizing Derek LaVallee. Allow me to discuss, for a moment, the importance of his achievement. On May 25, 1993, William Jefferson Clinton signed the law authorizing the American Battle Monuments Commission to establish a World War II memorial in Washington DC. This memorial would become the first national memorial dedicated to all Americans who served during World War II. It would acknowledge the commitment and achievement of the entire nation. Sixteen million Americans served in the armed forces of the United States, at least one of whom serves with us here in this chamber. The World War II memorial honors those who served, the more than 400,000 who made the ultimate sacrifice for freedom and all who supported the war effort from home.

The memorial symbolizes the defining event of the 20th century and is a monument to the common defense of our nation and to the broader causes of peace and freedom from tyranny throughout the world.

The Second World War is the only 20th century event commemorated on the Nation Malls central access. The memorial stands as an important symbol of American national unity, a timeless reminder of the moral strength and awesome power that can flow when a free people are at once united and bonded together in a common and just cause.

I take my words from the website for the World War II memorial. The memorial was dedicated on May 29, 2004, nearly 59 years after the surrender of Nazi Germany and Imperial Japan. The dedication celebration spanned four days with events in several locations in the District of Columbia. Among the thousands participating in the dedication of the memorial were three US Presidents, cabinet officials, members of Congress, members of the Joint Chiefs of Staff, members of the foreign diplomatic corp. and veterans from every state and from every US conflict since and including World War II. Including, I

might add, more than a dozen World War II Medal of Honor recipients.

An image of the logistical complications should be appearing in your mind. Transportation to and from, first aid, food, water, facilities, staging for muddy ground, special seating for persons with disabilities, jumbo TV screens, sound systems, two-way communications, special seating for the media, managing people flow while assuring a positive experience for everybody was Derek's job for four days. It was four days, which took many, many months of planning and involved the participation of scores of federal and local government agencies.

One of these agencies was the United States Secret Service. Due to the participation of the current and two former American heads of state, many portions of the National Mall were secured by the United States Secret Service. Quite understandably, thousands of attendees were required to go through security screenings before entering the mall. That is 150,000 people total, a good portion of whom had to go through security screen. It was a huge logistical problem.

Adding to that, frighteningly, at the commencement of the day long series of dedication events, the national news media reported the following story. "Washington - United States officials have obtained new intelligence deemed highly credible indicating Al Qaeda or other terrorists are in the United States and are preparing to launch a major attack this summer the Associated Press has learned. Beginning with Saturday's dedication to the new second World War II memorial in Washington, the summer presents a number of high-profile targets in the United States."

Throughout this experience, because of his expert planning and his deeply held sense of duty to the World War II generation, Derek managed these complications with grace, a plum and a warm good nature.

On behalf of the people of Maine, I want to thank Derek for his service to those who served and for being a credit to the State of Maine. Thank you Derek.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to join in the salute to Mr. LaVallee for his roll in bringing the long, long overdue World War II memorial to our nation's capitol. Last summer I had the honor of traveling with 100 World War II veterans to visit that memorial, to see the impact that it had on them was remarkable as it was on those of us who have had our freedoms preserved by the efforts of those men and women. Today in the House we have two members, actually, the good Representative from Greenville and the good Representative from Kittery who are World War II veterans. Yesterday down on the second floor we had a silver star from the World War II era and one of Maine's surviving Metal of Honor winners. World War II had quite an impact on all of us.

Sadly, here in the Maine capitol we have no recognition for World War II veterans. It is an omission that will be taken care of sometime in the next month and a half with the installation of a plaque honoring those men. Again, Mr. LaVallee, thank you for your efforts on behalf of all of us.

Subsequently, the Joint Resolution was **ADOPTED**.  
Sent for concurrence.

the Honorable John Eder, of Portland, who is the recipient of a plaque from the Red Cross of Southern Maine that recognizes him for his service as a relief worker in the Hurricane Katrina disaster zone. Representatives from the Red Cross presented Representative Eder with the plaque after he hosted a Red Cross workshop on disaster preparedness at the Reiche School on March 14th. Representative Eder volunteered and was deployed to New Orleans in September 2005, approximately two weeks after Hurricane Katrina devastated the Gulf Coast. He drove a cantina van that delivered hot meals and water to hurricane victims in the greater New Orleans area. He remains active in the system of Red Cross relief workers in the southern Maine area who stand by ready to respond to disasters. We extend our appreciation to Representative Eder for his commitment to his country and State;

(HLS 1825)

Presented by Representative GLYNN of South Portland.  
Cosponsored by Senator STRIMLING of Cumberland, Senator BRENNAN of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Representative CUMMINGS of Portland, Representative HARLOW of Portland, Representative BRANNIGAN of Portland, Representative ADAMS of Portland, Representative DUDLEY of Portland.

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

**READ.**

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is rare that I put in resolutions acknowledging community service on our House Calendar and speak to them, but I did want to take this opportunity to recognize one of our own, Representative John Eder, the Representative from Portland, who participated in the hurricane relief effort after Katrina and also for his recognition for his service to the Red Cross. It is very rare indeed that we have individuals that step forward in service by risking both life and personal safety in the service of others, particularly strangers. That is the reason why I always recognize the folks from the military who serve our country, police, fire and in this case, first responders. I would like the House to recognize this great service and thank Representative Eder.

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

**In Memory of:**

Winfred M. Strout, Jr., of Windham, beloved husband, father and grandfather. Mr. Strout and his wife Barbara Elizabeth "Betty" Googins were married for almost 61 years. He was a deacon and active member of the Windham Hill United Church. He was active in the Kiwanis Club, Presumpscot Lodge No. 172 A.F. & A.M., the Sportsman's Alliance of Maine and the Willowdale Golf Club, of which he was a member for 70 years. Mr. Strout was a Scout Master, an honorary member of the Order of the Arrow and a charter member and officer of the Sunset Park Men's Club of South Portland. He worked diligently while serving on the Windham Town Council and the Windham School Committee. He served on several volunteer boards and committees within the community and still found time to enjoy the fishing and gardening he loved. He will be fondly missed by his loving family and friends;

(HLS 1819)

Presented by Representative PLUMMER of Windham.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Cosponsored by Senator DIAMOND of Cumberland, Representative BRYANT of Windham.

On **OBJECTION** of Representative PLUMMER of Windham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Winfred Strout was my friend. Win was a devoted husband, father, grandfather, great grandfather and great great grandfather. Win Strout was my friend. I knew him for over 45 years in which time he was very active in Windham.

I served on the Windham Town Council with Win. He also served on the Windham School Committee as well as many appointed boards and committees in our town. Win Strout was my friend. He was active in many civic groups in Windham. In fact, the night he died Win was on his way home from working a fundraising event for the Kiwanis Club.

My interactions with Win and his family were numerous. Not only did I have the pleasure of serving on the Windham Town Council with Win, I also served on many committees with him. His youngest son, Ron, was in my high school graduating class. His son, Richard, was chair of the First Town Council that I was privileged to serve on. His wife, Barbara, was Windham's Town Clerk for many years. She also served in this body as our State Representative. Win Strout was my friend.

He was quietly active in the transformation of Windham from a sleepy rural town to a thriving suburban community. Win was a man of few words, but a man of great actions. When he did speak, he had meaningful things to say. He was a mentor to many. Winfred Strout was the kind of man and the kind of citizen that we should all strive to be. Oh, by the way, did, I tell you that Win Strout was my friend.

This giant of a man will be missed, not only by his family and friends, but Winfred Strout will be missed by the citizens of this great state. I am extremely proud to say that Winfred Strout was my friend.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't want to date myself, but when I came into town, Win Strout was on the Assessment Review Board. When he passed away, he was still on the Assessment Review Board. He has been a pillar in the community of Windham, which I reside. I don't want to repeat the Sentiment or the Representative from Windham's remarks, but I want to stand and rise and recognize Win Strout as a pillar in the community of Windham. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to let you know that Win Strout was my friend too. He was a mentor, a guide, an upright man, a good Mainer. He taught me a few things. He taught me to stand proud. He taught me to walk straight with my brothers, my friends. I know Win would be proud for a few reasons today. Those of us who knew him would greatly miss him. I miss him. Thank you for your time.

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

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 **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Establish a High-risk Health Insurance Pool"

(H.P. 1365) (L.D. 1945)

Signed:

Senators:

SULLIVAN of York

MAYO of Sagadahoc

Representatives:

PERRY of Calais

BRAUTIGAM of Falmouth

PILON of Saco

MARRACHÉ of Waterville

HARLOW of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-950)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

McKANE of Newcastle

LINDELL of Frankfort

VAUGHAN of Durham

GLYNN of South Portland

RICHARDSON of Warren

**READ.**

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** 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. 730) (L.D. 1930) Bill "An Act Regarding Working Waterfront Covenants under the Land For Maine's Future Board" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-556)**

(S.P. 732) (L.D. 1932) Bill "An Act To Implement Model Time-share Foreclosure Procedures" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-557)**

(H.P. 1437) (L.D. 2039) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-952)**

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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**CONSENT CALENDAR**  
**Second Day**

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

(S.P. 674) (L.D. 1757) Bill "An Act To Improve the MaineCare Program" (C. "A" S-547)

(S.P. 701) (L.D. 1784) Bill "An Act To Conform the Certificate of Need Law to Industry Standards" (EMERGENCY) (C. "A" S-548)

(S.P. 748) (L.D. 1949) Resolve, To Ensure Proper Accounting for Funds at the Department of Health and Human Services (C. "A" S-546)

(S.P. 771) (L.D. 1992) Bill "An Act To Protect the Confidentiality of Prescription Information" (C. "A" S-549)

(S.P. 786) (L.D. 2042) Bill "An Act To Amend the Harness Racing Laws Regarding Distributions from the Fund to Supplement Harness Racing Purses" (EMERGENCY) (C. "A" S-553)

(H.P. 1375) (L.D. 1963) Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education (EMERGENCY)

(H.P. 1265) (L.D. 1825) Bill "An Act To Facilitate Inspections of Heating Appliances and Chimneys" (C. "A" H-943)

(H.P. 1310) (L.D. 1870) Bill "An Act To Clarify Laws Governing Eminent Domain" (C. "A" H-945)

(H.P. 1456) (L.D. 2060) Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-948)

(H.P. 1460) (L.D. 2065) Bill "An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration" (C. "A" H-944)

(H.P. 1465) (L.D. 2071) Bill "An Act To Increase Wetland Protection" (C. "A" H-949)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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. **ORDERED SENT FORTHWITH.**

(H.P. 1453) (L.D. 2057) Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council" (C. "A" H-947)

On motion of Representative JACKSON of Allagash, was **REMOVED** from the Second 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.

**ENACTORS**  
**Emergency Measure**

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  
(S.P. 660) (L.D. 1743)  
(C. "A" S-535)

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 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Create the Human Trafficking Task Force  
(H.P. 893) (L.D. 1296)  
(S. "A" S-534 to C. "A" H-864)

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. 129 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife  
(H.P. 1461) (L.D. 2066)

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. 130 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, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education  
(H.P. 1464) (L.D. 2069)

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. 128 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.

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

**Acts**

An Act Relating to Community Sanitary Districts  
(H.P. 468) (L.D. 635)  
(C. "A" H-908)

An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations  
(S.P. 666) (L.D. 1749)  
(C. "A" S-530)

An Act To Clarify the Qualifications for the Maine Residents Property Tax Program  
(S.P. 714) (L.D. 1797)  
(C. "A" S-532)

An Act To Correct Deficiencies in the Divorce Laws  
(H.P. 1252) (L.D. 1812)  
(C. "A" H-869)

An Act To Clarify the Change of Beneficiary Provision in the  
Maine State Retirement System Laws

(H.P. 1290) (L.D. 1850)  
(C. "A" H-921)

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

(H.P. 1391) (L.D. 1985)  
(C. "A" H-825; H. "A" H-928)

An Act To Implement the Recommendations of the  
Commission To Study Alternative Voting Procedures, the Citizen  
Initiative Process and Minor Party Ballot Access

(S.P. 780) (L.D. 2029)  
(C. "A" S-526)

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

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. **ORDERED SENT  
FORTHWITH.**

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**Resolves**

Resolve, To Direct the Department of Conservation, Bureau  
of Parks and Lands To Lease Certain Public Reserved Lands to  
the Town of Allagash

(H.P. 653) (L.D. 934)  
(H. "A" H-907 to C. "B" H-750)

Resolve, Concerning the Assessment of Property Subject to  
Affordable Housing Limitations and Benefits

(S.P. 713) (L.D. 1796)  
(C. "A" S-531)

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)  
(C. "A" H-922)

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

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An Act To Protect Children from Contact with Convicted Sex  
Offenders

(S.P. 695) (L.D. 1778)  
(C. "A" S-536)

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

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

The SPEAKER: The Representative may pose his question.

Representative DAVIS: Thank you Mr. Speaker. Could you  
explain this bill, once again? I know it has been explained, but I  
am not sure. I would like it read again.

The SPEAKER: The Representative from Falmouth,  
Representative Davis has posed a question through the Chair to  
anyone who may care to respond. The Chair recognizes the  
Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. I believe  
this is a bill that was sponsored by a Senator from Penobscot  
County, which clarifies that under the divorce laws, family laws,  
the court can and should take into consideration in awarding  
custody and visitation.

I believe this is the bill that deals with divorce law and when  
there is an adult in the family who may have a conviction for  
some sort of sex offense. It requires the court to consider that as  
a factor in making changes in custody and visitation.

The SPEAKER: A roll call has been ordered. The pending  
question before the House is Passage to be Enacted. All those  
in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 451**

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette,  
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, Dudley, Duplessie, Duprey, Eberle, Eder,  
Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts,  
Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall,  
Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton,  
Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman,  
Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean,  
Marley, Marraché, Mazurek, McCormick, McFadden, 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, Schatz, Seavey,  
Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson,  
Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson,  
Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Berube, Dugay, Dunn, Fischer, Greeley,  
Moore G, Ott, Simpson, Stedman, Thomas.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the  
negative, with 11 being absent, and accordingly the Bill was  
**PASSED TO BE ENACTED**, signed by the Speaker and sent to  
the Senate. **ORDERED SENT FORTHWITH.**

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An Act To Protect Maine Families and the Environment by  
Improving the Collection and Recycling of Mercury Thermostats

(S.P. 709) (L.D. 1792)  
(C. "A" S-533)

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

On motion of Representative BOWLES of Sanford, 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 Passage to be Enacted. All those  
in favor will vote yes, those opposed will vote no.



**ROLL CALL NO. 452**

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, 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, Dudley, Dugay, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Berube, Dunn, Fischer, Gerzofsky, Greeley, Moore G, Ott, Patrick, Simpson, Stedman, Thomas, Trahan.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Encourage Energy Independence for Maine

(S.P. 731) (L.D. 1931)  
(C. "A" S-523)

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 453**

YEA - Adams, Annis, Ash, Austin, Babbidge, 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, Dudley, Dugay, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, 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, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Dunn, Fischer, Greeley, Moore G, Ott, Simpson, Stedman, Thomas, Trahan.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-913)** - Minority (3) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Support the Efficient Implementation of Maine's Learning Results" (EMERGENCY)

(H.P. 989) (L.D. 1425)

TABLED - March 30, 2006 (Till Later Today) by Representative NORTON of Bangor.

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

Representative EDGEComb of Caribou **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 no.

**ROLL CALL NO. 454**

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Carr, Clark, Craven, Crosby, Cummings, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McCormick, McKenney, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson W, Sampson, Saviello, Schatz, Shields, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McLeod, Millett, Moulton, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Robinson, Rosen, Seavey, Sherman, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Barstow, Dunn, Fischer, Greeley, Moore G, Ott, Rines, Simpson, Stedman, Thomas.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-913)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, April 7, 2006.

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**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-538) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records"**

(S.P. 804) (L.D. 2063)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-538).**

**TABLED - April 4, 2006 (Till Later Today)** by Representative **BARSTOW** of Gorham.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-538)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, April 7, 2006.

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**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)

- In House, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** on March 27, 2006.

- In Senate, Minority (5) **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-865)** in **NON-CONCURRENCE.**

**TABLED - April 5, 2006 (Till Later Today)** by Representative **DUPLESSIE** of Westbrook.

**PENDING - Motion of Speaker RICHARDSON** of Brunswick to **RECEDE** and **CONCUR.** (Roll Call Ordered)

The **SPEAKER:** A roll call having been previously ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 455**

**YEA - Adams, Ash, Babbidge, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.**

**NAY - Annis, 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, Duprey, Edgecomb, Emery, Finch, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.**

**ABSENT - Barstow, Bryant-Deschenes, Dugay, Dunn, Fischer, Greeley, Moore G, Simpson, Stedman, Thomas.**

Yes, 66; No, 75; Absent, 10; Excused, 0.

66 having voted in the affirmative and 75 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE** and **CONCUR FAILED.**

Subsequently, the House voted to **ADHERE.**

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**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-941) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act Regarding the Maine Insurance Guaranty Association"**

(H.P. 1463) (L.D. 2068)

**TABLED - April 5, 2006 (Till Later Today)** by Representative **SMITH** of Van Buren.

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

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-941)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, April 7, 2006.

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**An Act To Protect the Privacy of Cellular Telephone Customers (EMERGENCY)**

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

(C. "A" H-892)

**TABLED - April 5, 2006 (Till Later Today)** by Representative **BLISS** of South Portland.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative **BLISS** 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 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-892)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-956)** to **Committee Amendment "A" (H-892)** which was **READ** by the Clerk.

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

**Representative BLISS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill that you have in front of you is a dynamite piece of legislation. Not too long ago the State of Illinois discovered that there was a company selling cell phone information from people who lived in Illinois and that they had an on-line presence and for a pretty small amount of money you could go online, pay a fee and you could collect a list of the phone numbers, incoming and outgoing phone numbers,

from the cell phone numbers of your choice, yours, your bosses, your jilted lovers or whoever you wanted. Illinois passed a law making that illegal.

The Attorney General's Office in Maine learned about that and called me and said, "Are we doing anything about this in Maine?" I talked about this with a few members of the Utilities and Energy Committee, whereby a footrace began to the Revisor's Office, won by my good friend, the Representative from Falmouth, Representative Brautigam, who brought forward a bill that would essentially echo that legislation and make that practice illegal in this state.

What you have before you, the Committee Amendment is that action that makes that illegal in Maine. During the course of our public hearings, the good Representative from Pittsfield, Representative Fitts, asked a variety of questions to the cell phone folks who testified. Incidentally, everybody who testified, save one, testified in favor of passage of this legislation.

The good Representative from Pittsfield asked questions about the possibility of other technology. For example, maybe numbers aren't enough, but if you have a camera on your cell phone and store photographs in that cell phone, is there a way for people to acquire those from you? Shouldn't we do something about that? Well, at the time, the cell phone companies all told us that they didn't think that technology existed yet. We passed the legislation and moved it forward. Between that time and yesterday, a period of essentially less than a week, the technology has changed. My friend, the Representative from Pittsfield, Representative Fitts, produced a news article that he showed to the rest of the members our committee that, in fact, there are companies that are inserting spy ware in cell phones that allow them to recoup all the information that you have, not just the phone numbers you dialed or received.

The purpose of this floor amendment is to expand the legislation to give the Attorney General's Office broader authority to interpret privacy of cell phone use to try to keep up with the technology although it is moving pretty rapidly. I encourage you to support this amendment. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-956) to Committee Amendment "A" (H-892) was ADOPTED.**

**Committee Amendment "A" (H-892) as Amended by House Amendment "A" (H-956) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-892) as Amended by House Amendment "A" (H-956) thereto in NON-CONCURRENCE** and sent for concurrence.

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

**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-923) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities" (H.P. 1235) (L.D. 1727)**

**TABLED - April 5, 2006 (Till Later Today) by Representative CUMMINGS of Portland.**

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

Representative TARDY of Newport **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:** 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. 456**

**YEA - Adams, Austin, Babbidge, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cressey, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fitts, Fletcher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McKane, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson E, Rines, Rosen, Sampson, Saviello, Schatz, Shields, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.**

**NAY - Annis, Bierman, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curtis, Daigle, Duprey, Edgecomb, Emery, Fisher, Flood, Hall, Hamper, Hanley B, Hotham, Jodrey, Joy, Kaelin, Lansley, Lewin, Marean, McFadden, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Richardson D, Richardson M, Richardson W, Robinson, Seavey, Sherman, Sykes, Tardy.**

**ABSENT - Ash, Barstow, Dugay, Dunn, Fischer, Greeley, Moore G, Simpson, Stedman, Thomas.**

Yes, 93; No, 48; Absent, 10; Excused, 0.

93 having voted in the affirmative and 48 voted in the negative, with 10 being absent, and accordingly the **Minority Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-923) was READ by the Clerk and ADOPTED.** The Bill was assigned for **SECOND READING** Friday, April 7, 2006.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 841)

**JOINT RESOLUTION RECOGNIZING THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS**

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 110 years; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are giving back to their communities through a commitment to provide financial literacy programs to Maine's youth and young adults, including the joint American Bankers Association and Maine Bankers Association annual Teach Children to Save Day program, which will reach students in over 100 schools on April 25, 2006; and

WHEREAS, in addition, the members give back to their communities through the ABA's Get Smart About Credit program administered each October, the FDIC's Money Smart program, Junior Achievement, the Maine Council on Economic Education's JumpStart Financial Literacy and Stock Market Simulation programs and many individual bank programs; and

WHEREAS, these financial literacy programs are providing a financial education that is essential to forming a lifetime of positive habits devoted to saving, the wise use of credit and fiscal responsibility; and

WHEREAS, the associations' members and their employees continue to demonstrate their commitment to children and the communities they serve by donating thousands of volunteer hours and millions of dollars in community contributions in 2005-2006; and

WHEREAS, the commitment to volunteerism and assisting Maine's youth is represented here today by the 2006 Maine Bankers Association America's Promise Volunteers:

Cheri Smith, Bank of America  
Amanda Ashe, Bar Harbor Bank & Trust  
Vera Rand, Camden National Bank  
Angela Franck, First Citizens Bank  
David Cambridge, Katahdin Trust Company  
Tammy Wheeler, Katahdin Trust Company  
Stephen M. Birmingham, Maine Bank & Trust  
Marjorie J. Downing, Merrill Bank  
Rhonda Kenney, Northeast Bank  
Mary Anne Griffin, The First  
Ronald Hamilton, Union Trust Company  
Richard Fournier, United Kingfield Bank; and

WHEREAS, the State's banking industry continues to be an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their continued commitment and contributions to their communities and for supporting Maine's long tradition of service to others and to recognize the industry's commitment to providing needed financial literacy programs and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and the 2006 America's Promise Volunteers.

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

**READ** and **ADOPTED** 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:

(H.P. 1338) (L.D. 1897) Bill "An Act To Protect Maine's Electricity Consumers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-959)**

(H.P. 1418) (L.D. 2018) Bill "An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-958)**

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 **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by**

**Committee Amendment "C" (S-437)** on Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances" (S.P. 507) (L.D. 1481)

Signed:

Senators:

SCHNEIDER of Penobscot  
ANDREWS of York

Representatives:

McFADDEN of Dennyville  
MOULTON of York  
BISHOP of Boothbay  
CROSTHWAITE of Ellsworth  
BROWNE of Vassalboro  
BARSTOW of Gorham  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

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

Signed:

Senator:

ROTUNDO of Androscoggin

Representative:

HARLOW of Portland

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 "C" (S-437) AS AMENDED BY SENATE AMENDMENT "C" (S-554)** thereto.

**READ.**

Representative BLANCHARD of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative GLYNN of South Portland **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.

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative BLANCHARD of Old Town to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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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-947)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

(H.P. 1453) (L.D. 2057)

Which was **TABLED** by Representative JACKSON of Allagash pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-947)** was **READ** by the Clerk.

Representative JACKSON of Allagash **PRESENTED** House **Amendment "A" (H-961)** to **Committee Amendment "A" (H-947)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last year we had numerous bills in the IF & W Committee on the use of ATVs. The committee agreed to dispense with all of them and create an ATV Advisory Council that would come back this session and make their recommendations.

The amendment before you is the exact language that came back in this bill. I thought it was very well done the way it was. Last session I had a bill to lower the minimum age for ATVs to 14. The Advisory Council, I'm not sure unanimously, but to some extent had made that recommendation. I was happy with the original bill. When we had the public hearing, unfortunately I had a couple other public hearings, I wasn't there and I am not really sure what the debate was, but this part of the bill was taken out. It was quite important for myself to try to have it reincluded in the bill.

One of the reasons is, I don't own an ATV currently, but I have a son the is 14 years old and in two months he will be 15. He is already inquiring about taking driver's education so he can get his license to drive a vehicle. The way the law is now, my son will have a better chance to get his driver's license before 16, but he still won't be legal to run an ATV. I find that is really foolish. They make ATVs for small kids. Those kids can't even get to use those. This bill provides safety training right up until 19. I am just very, very confused on why we would continue to tell very mature people that they cannot run an ATV, but you can get out on the public highways with a vehicle. It is very discouraging to me that we continue to push for the 16 year age limit.

I really hope that the body will consider this. I am sure you are probably going to hear some argument against it, but this is what the Advisory Committee originally came to us with. I was very disheartened that this was taken out. I don't understand the thought behind making people wait until they are 16 to run ATVs. Please support this amendment.

Representative WATSON of Bath moved that **House Amendment "A" (H-961) to Committee Amendment "A" (H-947) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The ATV Trail Advisory Council was organized under the auspices of the IF & W Committee a couple of years ago to prevent the upwelling of problems that were developing as ATV use became popular across the state.

The first set of ATV laws that were passed, enacted by the 122nd Legislature have worked out quite well. The most significant feature of that, as you may recall, the Legislature decided that one cannot operate an ATV on someone else's property without permission. That was a big step to legitimizing this excellent recreational sport.

When the bill came to committee, the Representative from Allagash, Representative Jackson, is correct. It did include a section lowering the minimum age for operation of ATVs off your own property, in other words on public ways. However, it also included tripling the ATV registration fees to use that money for some very good purposes and other elements that the ATV Trail Council recommended. We eliminated those sections of this bill in committee after testimony that revealed that there was not agreement among the ATV Trail Advisory Council itself, the IF & W Department, the Department of Conservation and its people

that deal with ATV, ATV Maine, all of the stakeholders. There was not agreement on lowering the age. There was not agreement on changing the registration fees. There was not agreement on a couple of other aspects of the original bill.

The IF & W Committee said, take what you can't agree on and go back and spend some time this summer working on it. We will take what is important in this bill and pass it now because it is important to get it done. The most important thing about the bill as amended by the Committee Amendment, is it allow four positions in the Department of Conservation, which are already funded, there is no money involved, it is funded by ATV trail funds, but it allows those four positions to be developed so that the Department of Conservation can provide ATV clubs and landowners with a liaison to help lay out trails, educate people on what signs mean, help wardens with enforcement and other very important tasks. Again, to allow the recreation to grow, as it should, and continue to hold down the problems that it invariably causes.

Those four positions, and thus the bill itself, are very important. It is not time to lower the age for operating an ATV. I am sorry. It is just not the time. We don't have an agreement out of the ATV associations themselves on doing that. This bill has been brought by a parent whose child is at a point where he can get a learner's permit to operate on the road, but unless he is operating on his own property or he is accompanied by an adult, he can't operate an ATV. My answer to that is, if there were driver's licenses for ATVs that have the same restrictions as learner's permits on public roads, then I am all for it, but there isn't any. By this amendment, you are allowing a 14 year old kid to get on a \$5,000 piece of machinery, unaccompanied, and take off in the woods. Ninety percent of them will respect the property rights of other people, perfectly okay. Ninety percent of them a fully mature enough to operate that machine in a safe manner. Those that aren't are going to tear up trails, tear up pastures and start your phone ringing from very upset and very concerned constituents

There is an article in the *Bangor Daily News* this morning about trails on the west side of Arcadia Park that have been destroyed by ATVs. The article states, "All the drivers that they have caught in the last year and a half have been boys between 14 and 16 years old." You put a kid on one of these machines unaccompanied by an adult without a safety training course and just turn them loose in the woods, you are just asking for trouble.

I would ask this body to support my motion to Indefinitely Postpone this amendment, not because looking at the minimum age is not a good idea, I believe it is. Let's let the task force assigned to that do it. If they come back to the 123rd with an appropriate recommendation, then we will take it up. As it is now, they can't agree on it. It is not something that should be done by a floor amendment. It needs to be done by the stakeholders, the players themselves. The bill itself is too important to risk its peril because of this unfriendly amendment. Therefore, I encourage you to please support my motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In deference to my very good and very competent committee chair in IF & W, I do believe this is an important bill. This language was in the original bill. The idea that it wasn't unanimous, I am sure that was also true. The thing is, in the 121st, the department passed the bill to raise it to 16. They were very adamant about it at that time. They are not going to ever agree to lower it to 14, so we are always going to have this argument. It is not unanimous. The department is not signing off. They are not going to.

It amazes me that a kid on a snowmobile that is \$8,000 or \$9,000, certainly, in my mind, is a lot more dangerous to them at 14 to go off into the woods in the frozen conditions that if they have an injury they could die. We allow that, but we are not going to allow a 14 year old to go out on an ATV. I am sure there is 14 year olds in places in this state that have done things that aren't right and there always will be. There always has been in time people that do things that I don't understand. At the same time we shouldn't eliminate every extra curricular activity because some people don't do the right thing. I am sure there are 18 year olds that have done as bad or worse than 14 year olds. I know that at 37 I have done some of those things and we are not going to raise this law to 37.

Just look at it. You can drive a car at 15. You can ride a snowmobile at 14. We had a bill in here last week that said we were going to possibly lower the age in here to 18. A lot of us voted for it. You can't drive an ATV until you are 16. I just find that is very unfair. I already told you that I don't have one. It is not really personal. I do have a son that is coming of that age. It just strikes me as very unfair that we did this back in the 121st. I promise you that we will never have unanimous consent on that. With most issues, we don't have unanimous consent. We wouldn't have debate in this body if we did. Please don't support the Indefinite Postponement and let's get on to the amendment.

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 am not going to repeat the words of my good chair from Bath, Representative Watson, but our committee has tried for years to get under control the damage and the problems caused by ATVs. This amendment is trying to change what the committee has done to get under control people that abuse other folks land, landowners that are having their property torn up. I think that the Representative from Allagash makes good points, but unfortunately we have had to get these folks that abuse other people's property under control. This is one of the measures. I would like to rise in support of my good chair from Bath and ask you to support the Indefinite Postponement.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Do the laws as presented by this bill and the amendments prohibit a person 14 years of age from operating an ATV on their own family's property?

The SPEAKER: The Representative from Van Buren, Representative Smith has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In answer to my good friend's question, the answer is no. The current law allows a child of 10 years old or older to operate an ATV on his own property, the property of the owner. If he is older than that, under 16, he takes an ATV course, an ATV course, incidentally, the parent is required to accompany the teenager to take that course with them, I think that is an excellent idea, and then under 16 can operate freely accompanied by an adult, a 21 year old adult. That is the current system. A child can start operating an ATV on its own property and under management of a parent at age 10.

One other note in addition to the question, the addition of snowmobiles, remember a snowmobile operates, hopefully, under 18 or 20 inches of snow at least. It does not do the kind of damage that a 4 wheel drive vehicle, narrow gauge, can do in mud season without snow. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Everything that the good Representative said is true, but my thought is what if you don't have more than one ATV? What if you don't have land that you own? I mean we have already put into place that you have permission from the other landowner for everyone before you go on other landowners property. That is not an issue. What if you are from a family that doesn't own land? How are you supposed to run an ATV on your own property if you don't own property? The thing about the damage that an ATV will do, sure it is going to do more damage than a snowmobile, but we have already put in place that you are supposed to stay on marked trails and have landowner permission. Basically what we are talking about is the age. Are you mature enough at 14, as opposed to 16, to make these decisions? I think many of the cases, I think kids are. If you continue to push that age up, we are not going to have a problem because people aren't going to do it. I really hope you support this because I find it very unfair.

The SPEAKER: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did testify at this hearing and I did not find anybody that testified against it. In fact, it was a real joint effort of a lot of organizations, state departments and there were some things that they did change from the original report of the ATV Trail Advisory Committee. On board with this was the Deputy Commissioner of the Department of Conservation, the Maine Warden Service, ATV Maine, as well as quite a number of ATV clubs, the director of off road vehicles for the State of Maine, the Maine State Police, the County Sheriff's Department, municipal police as well as a unanimous committee vote as Ought to Pass. Therefore, I would urge you all to support the motion to Indefinitely Postpone. Thank you very much.

Representative **WATSON** of Bath **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-961) to Committee Amendment "A" (H-947)**.

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 Indefinite Postponement of House Amendment "A" (H-961) to Committee Amendment "A" (H-947). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 457

YEA - Adams, Annis, Austin, Babbidge, Barstow, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Burns, Cain, Campbell, Canavan, Carr, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Emery, Faircloth, Finch, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill,

Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Sampson, Saviello, Seavey, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Bryant, Bryant-Deschenes, Cebra, Churchill, Clark, Crosthwaite, Davis K, Dugay, Edgcomb, Farrington, Fischer, Fitts, Goldman, Jackson, Jodrey, Joy, Lansley, Lindell, Paradis, Patrick, Plummer, Robinson, Rosen, Schatz, Sherman, Vaughan.

ABSENT - Beaudette, Bierman, Dunn, Moore G, Simpson, Stedman, Thomas.

Yes, 117; No, 27; Absent, 7; Excused, 0.

117 having voted in the affirmative and 27 voted in the negative, with 7 being absent, and accordingly **House Amendment "A" (H-961) to Committee Amendment "A" (H-947) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-947) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-947)** and sent for concurrence.

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

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As many of you know, I have risen several times to speak from the heart passionately about a political issue. Today is particularly difficult because it is not political, but personal. I do want this to come from my heart to all the members of this House. To you, Mr. Speaker, and to this body for the recognition of the passing of the matriarch of my family last Wednesday and the following day and the many kindnesses and the show of respect that you displayed, we are honored by that. We thank you.

The House recessed until 5:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

(H.P. 1401) (L.D. 1999)

**FAILED** of **FINAL PASSAGE** in the House on March 30, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-541)** in **NON-CONCURRENCE.**

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

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Report of the **Joint Standing Committee on State and Local Government** on Bill "An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules"

(S.P. 843) (L.D. 2102)

Reporting **Ought to Pass** pursuant to Joint Order 2006, S.P. 839.

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

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE** and was assigned for **SECOND READING** Friday, April 7, 2006.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 787) (L.D. 2043) Bill "An Act To Further Reduce Mercury Use and Emissions" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-561)**

(S.P. 809) (L.D. 2070) Bill "An Act To Ensure the Availability of Public Drinking Water Supplies" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-562)**

(H.P. 1458) (L.D. 2062) Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1208) (L.D. 1701) Resolve, To Ensure the Coordination and Effectiveness in the Provision of Outpatient and Medication Management Services under Maine's Noncategorical Waiver Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-964)**

(H.P. 1402) (L.D. 2000) Bill "An Act To Ensure Appropriate Reimbursement of Rising Energy Costs for Long-term Care Facilities" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-963)**

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

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statute**

Representative **NORTON** for the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act"

(H.P. 1494) (L.D. 2103)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and assigned for **SECOND READING** Friday, April 7, 2006.

**ENACTORS**  
**Emergency Measure**

An Act To Establish the Pine Tree Recreation Zone  
(H.P. 143) (L.D. 192)  
(C. "A" H-929)

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

Representative DUPLESSIE of Westbrook **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 Passage to be Enacted. 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. 458**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, 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, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Joy, Shields.

ABSENT - Brown R, Dudley, Dugay, Dunn, Gerzofsky, Kaelin, Marraché, McFadden, Moore G, Sampson, Schatz, Simpson, Stedman, Thomas, Woodbury.

Yes, 134; No, 2; Absent, 15; Excused, 0.

134 having voted in the affirmative and 2 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Establish the Maine Agricultural Water Management Board and the Sustainable Agricultural Water Source Program

(S.P. 693) (L.D. 1776)  
(C. "A" S-540)

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

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

**Acts**

An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws

(S.P. 677) (L.D. 1760)  
(C. "A" S-515)

An Act To Clarify the Uninsured Motorist Laws

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

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, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale

(H.P. 1275) (L.D. 1835)  
(C. "A" H-930)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on state Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; and Hospital Street in Augusta

(H.P. 1304) (L.D. 1864)  
(C. "B" H-927)

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

**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)  
(H. "A" H-895 and S. "A" S-544 to C. "A" S-513)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Constitutional Amendment**

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)  
(C. "A" H-877)

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.



**Emergency Measure**

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

(H.P. 1027) (L.D. 1464)  
(C. "B" H-730; H. "A" H-747)

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 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services

(H.P. 1368) (L.D. 1951)  
(C. "A" H-933)

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

Representative TARDY of Newport **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.

Representative GLYNN of South Portland asked leave of the House to be excused from voting on L.D. 1951 pursuant to House Rule 401.12.

The Chair granted the request.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. 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. 459**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, 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, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - NONE.

ABSENT - Brown R, Dudley, Dugay, Dunn, Kaelin, Lewin, McFadden, Moore G, Sampson, Schatz, Simpson, Stedman, Thomas, Trahan, Woodbury.

Yes, 135; No, 0; Absent, 15; Excused, 1.

135 having voted in the affirmative and 0 voted in the negative, with 15 being absent and 1 excused, and accordingly

the Bill was **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**.

**Emergency Measure**

Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management

(S.P. 694) (L.D. 1777)  
(C. "A" S-545)

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

**Acts**

An Act To Replace the Common Enemy Rule with Regard to Changing the Flow of Surface Water

(S.P. 271) (L.D. 816)  
(C. "A" S-542)

An Act To Amend the Motor Vehicle Laws

(H.P. 1306) (L.D. 1866)  
(C. "A" H-849)

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

**Resolves**

Resolve, Directing the Department of Health and Human Services To Develop a Model for Community-based Therapeutic Living Settings for Adults with Mental Illness

(H.P. 1390) (L.D. 1983)  
(C. "A" H-932)

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

An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

(S.P. 658) (L.D. 1741)  
(C. "A" S-543)

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

On motion of Representative BARSTOW of Gorham, was **SET ASIDE**.

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

Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

(S.P. 246) (L.D. 748)  
(H. "A" H-935 to C. "B" S-432)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification

(H.P. 1293) (L.D. 1853)  
(C. "B" H-918)

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

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

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

**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.

**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-822) - Committee on LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists"

(H.P. 1262) (L.D. 1822)

**TABLED - March 30, 2006 (Till Later Today)** by Representative TWOMEY of Biddeford.

**PENDING - Motion of same Representative to RECONSIDER** whereby the Motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**. (Roll Call Requested)

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 Reconsider whereby the Motion to Accept the Minority Ought to Pass as Amended Report Failed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 460**

**YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Saviello, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.**

**NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B,**

**Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan.**

**ABSENT - Brown R, Dugay, Dunn, Kaelin, McFadden, Moore G, Sampson, Schatz, Simpson, Stedman, Thomas, Woodbury.**

Yes, 72; No, 67; Absent, 12; Excused, 0.

72 having voted in the affirmative and 67 voted in the negative, with 12 being absent, and accordingly the House **RECONSIDERED** whereby the **Minority Ought To Pass as Amended Report FAILED**.

Subsequently, the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-822)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, April 7, 2006.

Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

(H.P. 1394) (L.D. 1990)  
(C. "A" H-924)

**TABLED - April 3, 2006 (Till Later Today)** by Representative PILON of Saco.

**PENDING - PASSAGE TO BE ENGROSSED.**

Representative **LINDELL** of Frankfort **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Frankfort, Representative Lindell.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge the members of this House to vote against the pending motion to engross this bill. The bill before us would create an Insurance Fraud Division within the Bureau of Insurance. That seems plain enough and it seems to be a well meaning and well intentioned program to fight insurance fraud, my view of this, Mr. Speaker, is that this will do nothing to help keep down insurance fraud, but will, instead, create a new bureaucracy within the Bureau of Insurance to do the job that is done by the insurance industry itself.

Currently the insurance industry pays fees to the Bureau of Insurance. Those fees go to fund the bureau itself. The fees themselves are more than are actually required to actually run the bureau. Every biennium, during the budget process, the Appropriations Committee finds surplus funds at the Bureau of Insurance, which are usually swept right into the General Fund. The insurance industry has come up with a plan to make sure that the fees that they pay to the Bureau of Insurance, not only stay within the Bureau of Insurance, but are used to do a job that the insurance companies themselves have to do currently and that is to investigate insurance fraud.

What this bill will do is create five new positions at the cost of about a half a million dollars per year and take that responsibility, shift that cost from the insurance industry to the Bureau of Insurance. At the same time, the Bureau of Insurance will have enhanced powers, will be able to keep more of their budget, so it has the support of the bureau.

When this bill was heard in committee, there was very little opposition to it. The insurance companies were in favor of it. The Bureau of Insurance was in favor of it. There was some

opposition from trial lawyers and a few others, but those issues were dealt with with some committee amendments. It still did not get to the core issue that this is not something that is designed to benefit consumers. Consumers certainly do pay higher insurance premiums because of insurance fraud. Insurance fraud is a crime in this state, Mr. Speaker, and insurance fraud is vigorously prosecuted by our District Attorneys. We have the mechanism to investigate it through the insurance companies themselves. We are obviously at risk due to insurance fraud. We have the methods to prosecute these crimes at the District Attorney level.

During the committee hearings, I asked the insurance industry to provide evidence, to provide proof, that these insurance fraud divisions have actually resulted in lower insurance premiums to consumers. They were not forthcoming with any proof. Instead the told stories of gangs of insurance fraud coming into the State of Maine and defrauding consumers.

Mr. Speaker, we have some of the lowest property casualty, auto insurance premiums in the nation here in the State of Maine. It is because we have a vigorous, regulated property casualty insurance. We have refrained from passing onerous regulations such as no-fault laws that have actually resulted in higher insurance fraud in other jurisdictions.

Frankly, this is simply a scheme for shifting cost from the insurance industry to the state. It is a scheme to create more state government and more bureaucracy and for the department to hold onto more of its funds.

I urge the members of this body to vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill came before Insurance and Financial Services last session. It actually is a bill that I introduced at the request of the Maine Association of Private Investigators who expressed to me a great frustration that they investigate a lot of stuff that gets put together and goes nowhere. They put together what was quite a stringent bill that I think went too far. There was some interest in that as we as a committee looked at that. The committee chose to have a study done and to have it come back to us in this session.

Yes, there was a study done and there was probably more insurance companies than not in this. However, we do have the lowest rates, which is great. A lot of the laws in this bill are laws we already have on the books. Essentially what this does is it allows the Bureau of Insurance to focus a dedicated staff to following up with the stuff that they get.

The other thing that it does is it designates an Attorney General to that division. This not just for insurance companies. There is a great deal of fraud that occurs outside of a person with their insurance company. There were insurers who also falsely present their products of what they do with their payments to their insured. That also is covered. This is not just for insurance companies.

Yes, it does cost nearly \$500,000 to put this together. Unfortunately Representative Lindell did not get some information. When I did research to start this up, there was a Bureau of Insurance Fraud Unit set up in Massachusetts that significantly decreased the costs of auto and casualty insurance within the state after the first two years of running.

No, we don't have a problem right now. There are fraud circles who actually are set up to claim injury or something, for the insured, but to charge the insured with that. This comes across state lines. It can be with a pattern with a number of different people. It allows for cross insurance company, cross

state, kind of investigation to happen as well. It gives the state the ability and the designated personnel to do that. This is what this bill is about.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sort of flagged this bill as it came across on a supplement first reading last Thursday or Friday. It came across a supplement on second reading the following day. I went out and looked at the jacket and pulled out the study that resulted in this bill. I find myself in complete agreement with the gentleman from Frankfort on this bill concerning the need or lack thereof of setting up a separate bureaucracy just to investigate insurance fraud. It is something that insurance companies all do any way. They investigate insurance fraud. If they find fraud, prosecutable fraud, the should and do turn it over to the District Attorney or the financial crimes unit of the Attorney General's Office, which can and does handle such matters now.

When I came across this bill, I e-mailed the DAs and the head of the Criminal Division at the Attorney General's Office. I asked them if they knew what this bill was about. None of them knew anything about the bill. That caused me some concern that setting up a new bureaucracy suggests somehow that insurance fraud is a separate kind of fraud. It isn't being handled now in our courts. I distinctly remember prosecuting so-called insurance fraud on a number of occasions when I was District Attorney. I do recall the Attorney General's Office investigating and prosecuting insurance fraud. In fact, I recall District Attorney Crook putting a rather prominent citizen of Waterville behind bars for insurance fraud a few years ago, an elected official from that community.

My concern is if there are \$400,000 or \$500,000 sitting in a fund in the Bureau of Insurance, why is it there? Where does it come from? Where should it go? I don't think we should be adding positions of state government.

When I pulled out the report and read the report from the Bureau of Insurance, the participants, the organizations and persons participating in the meetings include, Peerless Insurance Company, Liberty Mutual, One Beacon, Patrons, State Farm, Unum Provident, Maine Employers mutual, Nationwide Insurance, Progressive Insurance, Maine Association of Insurance Companies, American Insurance Association, Property Casualty Insurance, etc. They are all very good insurance firms, but not one District Attorney, not one member of the Attorney General's Office Criminal Division or anybody who seemed to know anything about investigating and prosecuting crime in this state.

The bill as it is set up would take the fees from the insurance companies and fund investigation and prosecution of their own offenses against their own clients, essentially. To me, that is not good public policy. You don't have one party to a civil contract or a civil complaint or controversy funding the investigation and prosecution of another party to a contract. It just flies in the fact of good solid public policy in my view. I ask you to defeat passage of this bill. Thank you.

Representative MARRACHÉ of Waterville REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First, I want to thank the Representative from Waterville, Representative Marraché, for pointing out the fact that this is a 12 to 1 report.

Secondly, I would like to correct the record on a few things that have been brought up tonight in this House about this bill. First of all, this isn't insurance companies paying to investigate their own clients. Some of you might remember that AIG in New York was just fined \$500 million for fraud against their customers. This insurance fraud division, there is nothing in this bill that says that this Insurance Fraud Division can only investigate consumers. This Insurance Fraud Division could investigate anyone, including companies. It would be incorrect to say that this. We have a rather narrow focus when we think about this. This is about all lines of insurance. This isn't just about property and casualty insurance, it is about all lines of insurance. This isn't just about property and casualty insurance. It is not just about workers' compensation insurance. It is not just about health insurance. This is about all types of insurance.

I was an insurance agent for three years and I will tell you that I am positive that there was fraud going on, both from consumers and probably from companies as well. I don't see one thing wrong with investigating it. I don't see one thing wrong with paying for it out of money that is already there.

The last point I would like to make goes to what Representative Mills was talking about, about why the money is there. I would just as soon see this money go to the purposes it was meant for as opposed to being stolen by the Legislature year after year to balance the budget. This is a good thing. This money is meant to be spent on insurance. The companies, agents or bankers pay their fees. They expect the money to be used for them. We haven't done that. This is one way to pay for something the money was intended for. Thank you Mr. Speaker.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, the Appropriations Committee does not steal money. Secondly, we do not do what the Representative from Frankfort, Representative Lindell, said, every year we sweep the funds from the Bureau of Insurance. I am not saying that on occasion we do not have to take certain surpluses that are gathered at times, but to make these sweeping gestures by a member of my own committee, of course, shows his lack of experience. Both Representative Millett and I are deeply offended. I am serious about that.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having spent 20 years in the property casualty business. I know that there is a need for this kind of office. Many states have fraud units and they are very successful. I believe New Hampshire and Massachusetts have fraud units. They investigate consumers that when they fill out their applications, they have a tendency to represent the information on their applications. These fraud units investigate this kind of activity.

In the past and currently, these fraud units have been successful in reducing rates in these states. I would urge us to pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I read this 20 some odd page report and I am at a loss when reviewing that once again to find any report of a case that was not turned over, not prosecuted, any valid insurance fraud, so-called, case that was not prosecuted under current laws with the current

prosecutors we have. If we want to make a special case for insurance fraud, funded by insurance fees, I think that is bad precedent. The next step, I suppose we can set up a special bureau with four more new state positions to investigate, bank fraud, as if the AG's Office doesn't already to do that. We can set up a new bureau to investigate real estate fraud, per say, with four more new state positions as if nobody prosecutes that now. We can set up another new bureau for accounting fraud. We can disseminate fraud bureaus though out state and local government, but to ignore the current system of elected District Attorneys and the Attorney General's Office with 110 attorneys, including a Financial Crimes Unit, already in existence, is to ignore reality and to pretend that this bill deserves passage because it is a special offense to commit fraud against an insurance company as opposed to committing fraud against anybody else in society. To me, this is a piece of fiction. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 461**

YEA - Annis, Barstow, Blanchard, Bowles, Brannigan, Cain, Canavan, Clark, Craven, Cummings, Daigle, Davis G, Duchesne, Duplessie, Eberle, Edgecomb, Emery, Faircloth, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Greeley, Grose, Harlow, Hogan, Jackson, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McKane, Norton, Nutting, O'Brien, Paradis, Percy, Perry, Pilon, Pingree, Piotti, Richardson W, Rines, Smith N, Tuttle, Vaughan, Walcott, Watson, Webster, Mr. Speaker.

NAY - Adams, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Bliss, Bowen, Brautigam, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis K, Driscoll, Dudley, Duprey, Eder, Finch, Fitts, Fletcher, Flood, Hall, Hamper, Hanley B, Hanley S, Hotham, Hutton, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Ott, Patrick, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Wheeler.

ABSENT - Blanchette, Brown R, Dugay, Dunn, Farrington, Jennings, Kaelin, McFadden, Moore G, Pineau, Sampson, Schatz, Simpson, Stedman, Thomas, Woodbury.

Yes, 53; No, 82; Absent, 16; Excused, 0.

53 having voted in the affirmative and 82 voted in the negative, with 16 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands (PUBLIC LAND)

(S.P. 827) (L.D. 2095)

TABLED - April 4, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **FINAL PASSAGE**.

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 Resolve was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-967)** 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, Ladies and Gentlemen of the House. This item was tabled for a technical problem, which this amendment corrects. Some of you may be wondering what this bill does. Every year we have a bill authorizing a number of land transfers. This is it. Please note, however, that the land transfers that are part of this bill are not part of the Katahdin Lake deal. That bill will be coming separately, I promise you.

Subsequently, **House Amendment "A" (H-967)** was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-967)** in **NON-CONCURRENCE** 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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On motion of Representative **PLUMMER** of Windham, the House adjourned at 7:05 p.m., until 9:00 a.m., Friday, April 7, 2006 in honor and lasting tribute to Winfred M. Strout, Jr., of Windham and Ruth Portnoy Martay, of Portland.