

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

Non-Concurrent Matter

Bill "An Act To Prevent Lead Poisoning of Children and Adults"

(H.P. 719) (L.D. 1034)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) in the House on June 8, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "A" (S-358)** thereto in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to let people know that there was an amendment that went by that was put on by the other body that puts a five year sunset on the fee charged to paint manufacturers and I know that some people were concerned and recommended a sunset and it was put on in the other body by a member of the other party. It received a unanimous final vote so I hope that this body will continue to support this bill. This is, again, an excellent step forward to prevent lead poisoning and further education. Thank you Mr. Speaker.

The **SPEAKER**: A roll call has been 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. 301

YEA - Adams, Ash, Babbidge, Barstow, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, McFadden, Miller, Mills, Moody, Norton, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Schatz, Smith N, Thompson, Trahan, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Beaudette, Crosby, Dunn, Greeley, Marraché, Merrill, O'Brien, Ott, Smith W, Tuttle, Watson.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Under suspension of the rules, members were allowed to remove their jackets.

Non-Concurrent Matter

Bill "An Act To Protect Unborn Children from Acts of Violence"

(H.P. 201) (L.D. 262)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)** in the House on June 8, 2005.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

On motion of Representative **PELLETIER-SIMPSON** of Auburn, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 289)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 9, 2005

To the Honorable Members of the 122nd Maine Legislature:

I am enclosing H.P. 1111, L.D. 1573, "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County," which is being returned without my signature or approval.

I oppose the expansion of casino gambling in Maine. Despite the industry's representations, casino gambling will not improve the aspirations of Maine people or help us to reach our personal goals.

This bill would significantly expand Maine's restrictive casino gambling laws by doubling the number of allowed slot machines statewide. This expansion would come before any slot machines have been placed into operation and before the necessary oversight and regulatory structures have been deployed.

We as a State have yet to test our leadership against the social risks that come with casinos. We also have not yet tested the realities of the market, the promises of investment, or the theories that none will be harmed economically. There are costs of an expansion that we can neither measure nor risk. We owe our children, our future, more than false hope.

Our collective vision for economic development in all counties of Maine is a vision of productive and sustainable growth. It takes hard work. There are no quick fixes. There is no easy money. We should lead with investments in our workforce through training. We should lead with investments in our children through education. We should invest in good paying jobs through research and development. We should invest in our natural and cultural heritage. We should invest in technology and global access.

I am honored to work with tribal leaders as we struggle to define our collective future. I am personally committed to working with the tribal leaders as partners.

With these concerns and commitments, I oppose L.D. 1573, and respectfully urge you to sustain my veto.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1111) (L.D. 1573)

The SPEAKER: The pending question before the House is 'Shall this bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 302V

YEA - Annis, Berube, Bierman, Blanchard, Bowles, Brown R, Browne W, Bryant, Campbell, Canavan, Cebra, Churchill, Clark, Craven, Crosby, Davis K, Driscoll, Duchesne, Dugay, Duprey, Edgcomb, Emery, Faircloth, Fischer, Fisher, Fitts, Fletcher, Flood, Grose, Hall, Hanley B, Harlow, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marraché, McCormick, McFadden, McLeod, Miller, Millett, Moore G, Muse, Nass, Nutting, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Sykes, Tardy, Vaughan.

NAY - Adams, Ash, Austin, Babbidge, Barstow, Bishop, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant-Deschenes, Burns, Cain, Carr, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Dudley, Duplessie, Eberle, Eder, Farrington, Finch, Gerzofsky, Glynn, Goldman, Hamper, Hanley S, Hogan, Jodrey, Koffman, Lansley, Lewin, Marley, Mazurek, McKane, McKenney, Merrill, Mills, Moody, Moulton, Norton, Percy, Pilon, Piotti, Plummer, Rector, Richardson D, Richardson E, Seavey, Shields, Smith N, Stedman, Thomas, Thompson, Trahan, Twomey, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Beaudette, Dunn, Greeley, O'Brien, Ott, Smith W, Tuttle, Watson.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 288)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

June 9, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1553 An Act To Impose a Gross Receipts Tax on "Big Box" Stores

L.D. 1634 An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. Richard G. Woodbury

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Ensure Maine's Readiness To Respond to Decisions Relative to the Base Realignment and Closure Process" (EMERGENCY)

(H.P. 1195) (L.D. 1689)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BISHOP of Boothbay, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DAVIS of Augusta, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, EDGEComb of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HALL of Holden, HANLEY of Paris, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, LUNDEEN of Mars Hill, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, MCCORMICK of West Gardiner, McFADDEN of Dennysville, McKANE of Newcastle, McKENNEY of Cumberland, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, MOULTON of York, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SMITH of Monmouth, SMITH of Van Buren, STEDMAN of Hartland, TARDY of Newport, THOMAS of Ripley, THOMPSON of China, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of