

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
14th Legislative Day
Wednesday, March 15, 2000

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

Prayer by the Reverend Arnold R. Bolin, Evangelical Covenant Church, New Sweden.

National Anthem by Foxcroft Academy Jazz Band, Dover-Foxcroft.

Pledge of Allegiance.

Doctor of the day, Alan J. Barker, M.D., Boothbay.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 1044)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services report out, to the Senate, a bill regarding temporary campgrounds.

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

READ and **PASSED** in concurrence.

Non-Concurrent Matter

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

(H.P. 1413) (L.D. 2020)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)** in the House on February 18, 2000.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"

(H.P. 960) (L.D. 1358)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)** in the House on February 22, 2000.

Came from the Senate with Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **LABOR** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative HATCH of Skowhegan, the House voted to **ADHERE**.

On motion of Representative TREADWELL of Carmel, the House **RECONSIDERED** its action whereby it voted to **ADHERE**.

On motion of Representative JOY of Crystal, **TABLED** pending the motion of Representative HATCH of Skowhegan to **ADHERE** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 371)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 9, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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. 2493 An Act to Provide Funding to Wild Blueberry Growers to Develop Alternative Water Sources

L.D. 2572 An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. Elizabeth Townsend

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 372)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 7, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 1378 An Act to Ensure Access to Long-term Care Services for Persons with Dementia

L.D. 1432 An Act to Improve Care to Nursing Home Residents by Requiring Adequate Staff to Provide Hands-on Care

L.D. 1733 An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease

L.D. 1807 Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities

L.D. 1838 An Act to Include Mental Retardation, Developmental Disability and Substance Abuse Services in the Community Service

System of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to Consolidate Those Advisory Bodies to the Department

L.D. 1839 An Act to Maintain High-quality Services in Long-term Care in Maine

L.D. 2495 An Act to Coordinate and Improve Access to Health Care for Women

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 373)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 9, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 2150 An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism

L.D. 2212 An Act to Revise Laws Regarding Persons with Mental Retardation

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 374)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 9, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 343 An Act to Protect Deer in Wintering Areas

L.D. 481 An Act to Keep Public Lands Open to Hunting, Fishing and Trapping

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

Sincerely,

S/Sen. Marge L. Kilkelly
Senate Chair

S/Rep. Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 375)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 7, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 1820 An Act to Decriminalize Certain Fish and Wildlife Statutes

L.D. 2348 An Act to Enact the Maine Death with Dignity Act

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 376)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

March 9, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 2177 An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair
S/Rep. Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 377)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 9, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 2366 An Act to Create Equity in Access to
Secondary Education

L.D. 2485 An Act to Promote Educational Opportunity
and Economic Development

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

Sincerely,

S/Sen. Georgette B. Berube

Senate Chair

S/Rep. Michael F. Brennan

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 1037)

119TH MAINE LEGISLATURE

March 10, 2000

Senator Susan Longley

Representative Richard Thompson

Chairpersons

Joint Standing Committee on Judiciary

119th Legislature

Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has withdrawn his nomination of Rick E. Lawrence of Portland for appointment as Maine Administrative Court Judge and is reposting him for Maine District Court Judge (no resident designation). Emergency legislation, Public Law 547, enacted and signed into law on March 9, 2000 eliminates one Administrative Judge position and creates a new District Judge position.

Pursuant to Title 4, M.R.S.A. §1151, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/G. Steven Rowe

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **JUDICIARY**.

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

The Following Communication: (S.P. 1035)

119TH MAINE LEGISLATURE

March 9, 2000

Senator Sharon Treat

Representative John Martin

Chairpersons

Joint Standing Committee on Natural Resources

119th Legislature

Augusta, Maine 04333

Dear Senator Treat and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Katharine C. Littlefield of Belfast for reappointment and Richard E. Wardwell of Orono and Melford J. Pelletier of Environmental Protection.

Pursuant to Title 38, M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/G. Steven Rowe

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **NATURAL RESOURCES**.

READ and REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act to Create the Community Health Plan Demonstration Project"

(H.P. 1889) (L.D. 2627)

Presented by Representative SAXL of Portland.

Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: KANE of Saco, MAYO of Bath, SAXL of Bangor, STANWOOD of Southwest Harbor.

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

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed.

Sent for concurrence.

Committee on **BANKING AND INSURANCE** suggested and ordered printed.

**Pursuant to Statute
Maine Criminal Justice Academy**

Representative POVICH for the **Maine Criminal Justice Academy** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy (EMERGENCY)

(H.P. 1888) (L.D. 2628)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Representative PIEH from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act"

(H.P. 1891) (L.D. 2629)

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

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

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

ORDERS

On motion of Representative SAXL of Portland, the following Joint Resolution: (H.P. 1890) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: GREEN of Monmouth, MACK of Standish, POVICH of Ellsworth, ROSEN of Bucksport, SAXL of Bangor, WILLIAMS of Orono)

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED
AS VICTIMS OF THE HOLOCAUST**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, May 2, 2000 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 30th to May 7th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second

Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

READ.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I stand pleased to be before you today in annual ritual. This is the Legislative Awareness Day for the Maine Holocaust Human Rights Center. We have representatives of the Holocaust Human Rights Center with us today. My friend, Nancy Schotz, who arranges for this day and the Executive Director of the Center, Sharon Nichols, are with us today. They are set up, as you may be aware, in the Rotunda. I urge you as you go through your day to stop by and learn a little bit about what it is they do. As a child, I was brought up to always remember and never forget. That is what my mother said and if you look at her right now she is smiling. She says to never forget the Holocaust, never forget about intolerance and never forget about hatred, never forget. When you forget, you allow hatred to breed again. It is not just hatred against the Jews or hatred against Catholics or gays and lesbians or those who are disabled or those without means or those who are different from you. Never forget about people who don't have a voice.

Each year we take a little bit of time in this body to say we are never going to forget. We are never going to forget about the Holocaust. On May 2nd, internationally, there is a day called Yom HaShoah. That day is a day where we remember the atrocities of the Holocaust where 6 million Jews died and so many others as well. We remember them in our hearts and say that never again will we allow this to happen. This is a great country we live in and a wonderful state. It is a remarkable opportunity where we can all come into this body everyday to talk about our perspective on issues and resolve things in a civil manner and talk about our differences and come up with ways to move forward. We should celebrate what we have in this body as we remember what has gone before us. What has happened to the Jews in Germany. What has happened in different parts of the world today. Hatred and bigotry are very alive in this state and in this country and in this world. This is not about history. This is about a living memorial to what we must never allow to happen again in this world. Every day we must stand together in this body and fight for what is true and what is right and what connects us.

I had a wonderful opportunity recently with the Assistant Republican Leader to be in Washington D.C. Together we sat and we listened to President Clinton speak. President Clinton talked about the Human Gene Project. He said to us that you could put a group of Asian Americans in one corner and put a group of Bosnians in one corner and you could put a group of gays and lesbians in one corner. He talked about ways we divide ourselves everyday. He said through this Human Gene Project we can see that what divides these groups genetically, purely, truly, is less from this group to this group than what

divides them within that group, within that section. What divides us is not what is important. It is what brings us together. It is our common humanity. It is our love for each other and our love for life. It is our willingness and desire to do good. Please take some time today and go visit my friend Sharon and Nancy. Make sure you remember and you never let the atrocities of the Holocaust or the atrocities of bigotry in your communities to ever happen again. Thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House. I was sitting in the Speaker's Office before we convened and I was with the Representative from Old Town who in a totally different context mentioned a quote from Stalin, which was that when you have one death it can sometimes be considered murder, but if you have a million deaths it is a statistic. Perhaps that is what has happened with the Holocaust. Perhaps with 6 million it becomes a statistic and not alive for us. We look to Anne Frank and individual stories, which make this be real for us and affect us and touch us. That is just what the Holocaust Memorial Center does. It teaches and educates so that we won't forget and that we will remember and make certain that such atrocities do not occur again. We must fight and be on guard of that all the days of our lives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Men and Women of the House. I would like to quote today from the Reverend Martin Niemoeller, a German Lutheran pastor. He said, "In Germany, the Nazis first came for the communists, I didn't speak up because I wasn't a communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time there was no one left to speak for me." Reverend Niemoeller was a German Lutheran pastor who was arrested by the Gestapo in 1938.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I am also pleased to have an opportunity to speak on this today. One of the things we talk about when we talk about history are the things that happened. This is one of the most tragic events in human history that we are talking about. We don't talk about the things that didn't happen. When the Nazi military leadership was planning Operation Sea Lion, which was the land and sea invasion of England, there was drawn up and recovered after the war a list of automatic arrest categories for when they invaded England. They were the people they were going to have round up and shot immediately. Listed in that were long lists of artists, writers, clergymen, civic leaders and people who were to be put to death immediately when they took England. When we talk about the things that happened to our Jewish brothers and sisters and also others that were murdered in the Holocaust, we should also remember how lucky many of us were to escape a similar fate. I just wanted to bring that to mind and remember those of us who could have been among us that are not among us now because of the things that happened. I also remember that there was a philosopher named Walter Benjamin who was Jewish and lived in France and committed suicide to avoid being deported to the death camps. He said in

one of his many very eloquent essays that "Even the dead will not be safe if evil is allowed to triumph. The enemy has not ceased to be successful." Let us view our history very carefully and with deep remembrance. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. I can't add to the comments of the Majority Leader and his mother, Representative Green and Representative Dunlap. When I traveled to Israel 23 years ago, I took the opportunity to visit Yad Vshem, the holocaust memorial in Jerusalem. My life was changed forever. What was particularly important was the part of that memorial was the Avenue of the Righteous Gentiles. Those people non-Jews, who put their lives in greater danger and stood up against the Nazis to help the persecuted Jews. I am so very grateful for them. It is a lot like our State of Maine. There are good people in Maine that are very inclusive that embrace diversity and different points of view. I am very proud to share my experiences with you. Let us remember this resolution when we come to an important measure on today's calendars. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative LORING: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't rise on this issue. Native people and Jewish people have much in common starting with how Hitler systematically put them in prison camps. He learned that from studying American history and how this American government treated Native people over 100 years ago. He adopted a symbol called the swastika. That symbol was a Wabanaki peace symbol. I saw that when I was reviewing old pictures back in the 1920s. I asked about that symbol. It is a Wabanaki peace symbol. Hitler adopted it and reversed it and called it a swastika. We were also treated the same way the Jews were. We were annihilated. We were terminated. We were abused. We also had a holocaust. The Native people recognize and feel the pain of the Jewish people.

ADOPTED.

Sent for concurrence.

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation"
(H.P. 354) (L.D. 470)

Signed:

Senators:

LONGLEY of Waldo
BENOIT of Franklin
TREAT of Kennebec

Representatives:

THOMPSON of Naples
BULL of Freeport
NORBERT of Portland
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro

MADORE of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-872)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton
SCHNEIDER of Durham

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-871)** on Bill "An Act Regarding Wrongful Death Actions" (H.P. 480) (L.D. 687)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
MITCHELL of Vassalboro
NORBERT of Portland
JACOBS of Turner
SCHNEIDER of Durham

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

Signed:

Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-873)** on Bill "An Act Concerning Offensive Names" (H.P. 1712) (L.D. 2418)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

BULL of Freeport

LaVERDIERE of Wilton

JACOBS of Turner
NORBERT of Portland
MITCHELL of Vassalboro
PLOWMAN of Hampden
MADORE of Augusta
SCHNEIDER of Durham
THOMPSON of Naples

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

Signed:

Representative:

WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-870)** on Resolve, to Create a Commission to Study and Establish Moral Policies on Investments and Purchasing by the State (H.P. 1755) (L.D. 2461)

Signed:

Senator:

PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
GERRY of Auburn

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

Signed:

Senators:

GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

READ.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-867)** on Bill "An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies"

(H.P. 1694) (L.D. 2400)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville

COLWELL of Gardiner

LEMOINE of Old Orchard Beach

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

LEMONT of Kittery

DAVIDSON of Brunswick

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

Signed:

Senators:

MILLS of Somerset

DAGGETT of Kennebec

Representatives:

GREEN of Monmouth

STANLEY of Medway

READ.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-869)** on Bill "An Act to Amend the Laws Governing Municipal Tax Increment Financing to Encourage Downtown Investment" (H.P. 1739) (L.D. 2445)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

LEMONT of Kittery

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

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

Signed:

Senator:

MILLS of Somerset

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-869)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 16, 2000.

CONSENT CALENDAR

First Day

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

(H.P. 1699) (L.D. 2405) Bill "An Act to Increase the Number of Domestic Violence Prosecutors" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-876)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 869) (L.D. 2279) Bill "An Act to Amend the Charter of the Maine Science and Technology Foundation" (C. "A" S-526)

(S.P. 879) (L.D. 2294) Bill "An Act to Promote Competition in the Natural Gas Industry" (C. "A" S-528)

(S.P. 894) (L.D. 2313) Bill "An Act to Increase the Rate of Pay for Forest Fire Wardens" (C. "A" S-520)

(S.P. 897) (L.D. 2316) Bill "An Act to Prevent Gray Market Cigarette Sales" (C. "A" S-524)

(S.P. 903) (L.D. 2355) Bill "An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State" (C. "A" S-529)

(S.P. 907) (L.D. 2359) Bill "An Act to Clarify the Authority of the Maine Board of Optometry" (EMERGENCY) (C. "A" S-527)

(S.P. 922) (L.D. 2373) Bill "An Act to Prevent Misuse of Mortuary Trust Funds" (C. "A" S-521)

(S.P. 931) (L.D. 2381) Bill "An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery Vehicles to Travel on Posted Roads" (C. "A" S-518)

(S.P. 943) (L.D. 2473) Bill "An Act to Promote the Use of an Advocate Staff" (C. "A" S-530)

(H.P. 1782) (L.D. 2499) Bill "An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation"

(H.P. 1834) (L.D. 2570) Bill "An Act to Enhance Competition Among Elevator Inspectors"

(H.P. 1709) (L.D. 2415) Bill "An Act to Remove Certain Barriers for Low-income Working Parents" (C. "A" H-868)

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.

BILLS IN THE SECOND READING

House As Amended

Resolve, to Study Outdated, Contradictory and Unenforced Laws

(H.P. 612) (L.D. 852)

(C. "A" H-855)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston

(H.P. 1650) (L.D. 2319)

(C. "A" H-862)

Bill "An Act to Promote Maine's Dairy Industry"
(H.P. 1696) (L.D. 2402)
(C. "A" H-858)

Bill "An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills"

(H.P. 1751) (L.D. 2457)
(C. "A" H-835)

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

Bill "An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies"

(S.P. 687) (L.D. 1933)
(C. "A" S-522)

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

On motion of Representative **PEAVEY** of Woolwich, was **SET ASIDE**.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I urge you to vote no on this bill. This bill is a Majority Report from our committee, the Criminal Justice Committee, and it allows the DA's Office and other state agencies that are responsible for the health and welfare of the juveniles to request and receive information and a student's entire file from their school system. This can happen before the student is adjudicated of a crime. Some of us on the committee believe that instead, we need to establish a commission whose charge it will be to determine the best way to share information among agencies affectively. The issue here is how and when the agencies share information about a child. Everyone involved agrees that this information is vital if we are going to do a good job in making a plan to rehabilitate that child. It is easy to make a plan that punishes. It is far more difficult to create a plan that has a chance at rehabilitation.

Two years ago we passed a law that allows and in some cases requires criminal justice agencies, the DA's Office and the Department of Corrections, to share information with schools. This was partially driven by concerns about violent students in the classroom. When this bill came forward Representative Sherman and I began calling superintendents to see what they thought about this bill and also to find out how that previous law was working. We called large urban school systems and we also called rural school systems. Between us we talked to about 13 superintendents. The results of those conversations were very interesting and with amazingly mixed results. A number felt that the current system, without this bill we are talking about today, was working just fine. Please leave it alone. Several felt that they actually needed more information. Almost all felt very uncomfortable handing over a student's entire file and felt that currently those files could be subpoenaed in court when the DA's Office needed it. Most of them expressed a special concern about handing those files over to DHS who would be included in

this as an agency that deals with the health and welfare of a child and also to the prosecutor's office.

When we asked about the bill we passed two years ago and how the information was flowing from the Criminal Justice System to the schools, two of those I talked to had actually received some benefit from that, but the others just weren't really sure how well it was working. They all absolutely agreed that sharing the right information is important and that the interested parties needed to sit down and figure out the best way to get the right information to the right people to make that rehabilitative plan.

Lewiston-Auburn has started a wonderful working group to address this problem at a local level. It is made up of DAs, caseworkers, principals, parents and all the other interested parties. They are sitting down and figuring out how to share that information and how to really rehabilitate their youth. Sometimes as legislators, we need to realize that we cannot fix a complex situation by passing a law or two. If our goal is to truly rehabilitate kids so that they grow up to be productive adults and if we know that information shared will make this happen, then we need to establish a study commission. This will require all the agencies and all the interested parties involved in the rehabilitation of youth to sit down and hammer out exactly what information needs to be shared. Who needs to get that information? Who needs the information in order to do their job well? How should the information be shared so it really helps? Also, how will this information shared affect the child?

I urge you to vote no on this bill and go on to accept the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I think in the worse case scenario what you have heard could very well come true. The reality is this, when a juvenile is entered into the Juvenile Justice System for allegedly committing a crime, given the nature of the crime, the first goal is to try to divert the child from court to the system. It is called informal adjustment. The juvenile caseworker will sit down with the parties and work out a plan, whether it deals with restitution, voluntary compliance or whatever. If you work out a plan and it doesn't include the school or the resource offices in the school or that very component of that child's life where they spend a third of the day, the plan is incomplete. Schools are not going to be turning over full total reports to district attorneys or police officers. They are going to have to show a need. As it is now, if a police officer goes to a school and says that they need to sit down and talk to a certain individual, I need to get the parent's information, the school will say they can't give it to you. What this law does is allow all the parties concerned to be involved in writing a rehabilitative plan for a child, whether they are adjudicated and on probation or whether they go through an informal adjustment.

The alternative is to send these kids through the court system, get them adjudicated or convicted. We don't convict children. We adjudicate them. All that means is they don't have to plead guilty, they are found guilty if they have a trial or they plead. They go through about this same process with court orders. Do you want to send these kids to court on the low-level misdemeanors? A rehabilitative plan could straighten this kid out on a first offense or do you want to make them go through the whole process with court, defense attorneys, judges and the whole works? I think this is a good bill. The committee had a lot

of work on it. I think it will go a long ways to rehabilitating those juveniles who can be rehabilitated. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 1933 "An Act to Promote Sharing of Information between Schools and Criminal Justice Agencies" comes from the Criminal Justice Committee, as a 10-2 Ought to Pass as Amended Report. There were no opponents and no testimony for or against. There is much concern in our state about troubled youth and violence in our schools. We here and see many horrible things that are occurring outside of our state. We worry that these incidents might occur in Maine. What is certain is that our schools along with parental oversight play an important role in the upbringing and growth of our children. The professionals in our schools are in an important position to identify future problems and to intervene.

LD 1933 is a bill, which if enacted, will go a long way to help our children. It is a permissive bill which allows, only if all parties, including the juvenile and their parents, schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The education records may be disseminated only if the records are relevant to the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. Representative McAlevee makes a good point. They are preadjudicated youth. We get to them early on in the process. Sure it might save some court dollars and court time, but that is secondary, I believe, to saving the juvenile. I urge you to support the Majority Ought to Pass as Amended Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I believe that this is an extremely important bill and one that is deserved of all yea votes on this bill. Four of us attended a conference a few months ago in Santa Fe, New Mexico on juvenile justice, four members of the juvenile justice committee. It was an extremely valuable, very insightful conference, one of the best that I ever attended. One of the participants there was the Senator whose district includes the Columbine High School. It was very interesting as we debated and had a lot of anecdotal evidence. We just had a lot of informal talk. One of the most poignant message that we received coming out of this conference was that everyone needs to be talking when we are talking about troubled youth. Everyone needs to be sharing information. For so many years confidentiality was the thing. We needed to protect the rights of the juvenile, preadjudicated or adjudicated. We realize now that in order to prevent a child from continuing along the path of trouble and stopping them and getting them where they are and devising an individualized plan for these children. We need to be talking. That includes the court systems, the police, the DA, the probation officers, the teachers, the coaches and everyone who intimately involved with that child needs to be in talking and interfacing with each other or else the child is lost in the system. This bill was supported by the Maine Principal's Association.

We have heard testimony on previous bills and it was alluded to in this one that sometimes superintendents, with all due respect if we have any superintendents or past superintendents in the room, don't like to pass down bad information. It is maybe

a bad type of press type thing. I would ask that each and every one of you, as I have done within the past week several times, meet with those in your high schools, junior high schools and unfortunately maybe even elementary schools. You ask them. You meet with them and see if the law is working. You see if the information is getting exchanged. As of now, there are principals and assistant principals who don't know if a child is on probation. Part of the conditions of probation may be that the child has to be in school. The school now can't relay that information. It is a school record. They can't call a probation officer and say, "Do you realize Johnny has been out of school for five days?" There is a real lack here. A dialog really needs to happen. I am very concerned about a particular high school in this area. I bet if you would go into your high schools and junior highs, you would see that there are real gaps of communication.

I will end by saying that at this Juvenile Justice Conference we just received a follow-up. There were 10 states represented. We were asked to create action plans to bring back to our states. Seven of the 10, we just received a report last week, they have found out that the most important thing was interagency collaboration. They have instituted some form of interagency, interdepartmental, interorganizational structure to make this work and this is for the benefit of the child. I strongly, strongly urge you to pass this 10 to 2 report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Representative Peavey and I are the two individuals on the Minority Report, if I may say that. I would also like to say that the philosophy of this bill, we are not opposed to. That is not our point. We are not going to stand up here and say that we want to hide kids away and not get kids help. That is not the issue. I would like to make four points, if I may, and then comment on some points that I have heard. Number one, this is before Criminal Justice and not before Education, which is where I thought it should be assigned to. There were no superintendents there. There were no principals there. There were no parents there. There were no kids there. Just the individuals who wanted to push this bill through. By the way, LD 1933 is not the bill, it is a Senate bill and I am not sure the Principal's Association has seen the Senate bill to comment on, but maybe they have. Representative Peavey and I went on this odyssey to talk to superintendents in our area. She did southern Maine and I did northern Maine. I talked to six superintendents. Their comments were, what's the problem? If individuals, DHS or the District Attorney want the material, they can subpoena it. They can get a hold of it. There is a confidentiality question and there is a privacy question. Superintendents who hadn't commented on this, we had to go out and have them comment for us.

I think a school is a place of refuge and sanctuary. I understand that in many cases it is not. Representative O'Brien mentioned about people talking. This doesn't prevent people from talking today. Information can flow into the schools to warn teachers about students who may be ready to cause harm. That information is there. It is coming into the schools, not coming out of the schools. Some of the things that people are looking for records for from the superintendents were in divorce situations. In one case, in particular, the person had graduated from high school and someone was looking for the records of that individual.

Three points that I would like to mention from previous speakers. Representative McAlevey said we are here to help children. That is exactly what we are trying to do. Representative Povich said there is no opposition. He is exactly right. No superintendents, no principals, no teachers and no kids were there. We are not looking to cause more harm, if you will. We want these kids to be helped, but we think there is a procedure involved for all parties involved to sit down and talk about it. I guess my last point is, to exactly look at the bill. It is the Senate version 522. There is a provision in there that talks about what information can be put on the internet. In case of internet information, you need to have written permission of those student's parents. If you look at those two things in the bill, it is rather odd that the parents may not be involved in certain information, but rather innocuous information may go out on the internet. The parents have to have approval. I urge you to follow my light. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. This is not a bill that is going to allow anybody to go in and start sharing information freely at will and to find out about somebody's divorce or somebody's dirty laundry. This is a bill that simply will allow the free flow of information between parties that are involved in a wellness plan, if you will, for a child, whether that is a probation officer, a police officer or the schools. It allows the information to flow in both directions. Surely, there isn't a member of this body who thinks that their school superintendent wasn't aware of the public hearings. They get our schedules. They know what we are meeting on and what topics we are meeting about. This is a bill that has been supported, endorsed and encouraged by the Council of State Governments, the National Institute of Corrections and by NCSL. It is a good bill. I would strongly urge your support. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. This past summer I served as a co-chairman of a committee that discussed and discussed and discussed violent and disruptive students. The Representative from Dexter was also on that committee. One of the things that we heard over and over again is we need more cooperation. We need more discussion between parents, law enforcement officers, schools and everybody concerned. This was very prominent in every group that came before us and discussed the issue of violent disruptive students with us. In looking at the Senate Amendment, the one thing that stands out to me is that it says that education records that are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juveniles rehabilitation. It seems to be that that is what this is limited to. We said over and over if we could designate that every student in every school had an individualized learning plan, that would be good. We know we cannot do that, but it appears to me that that is what this bill is referring to is an individualized plan. Some of the concerns that have been expressed by previous speakers, I think you will find addressed in some legislation that will come before you before this session is over that is a result of the committee, which we worked this summer. It would appear to me that this is a bill that is necessary. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to share with you my experience with grassroots problems involving students in the State of Maine. Every time that I have been made known about some situation, if it was on a school committee meeting or it was a call from a constituent, my thought has always been the student. Usually from a situation that comes about by where a parent would call to tell me the child has been expelled. On every instance, the time that it takes and the possible harm to the student in this process, I believe that it is always important that everyone involved, whether it be law enforcement, the courts or whomever, to do this in a timely fashion so that possibly the student doesn't receive more harm and require more help to be rehabilitated. I would say to you this morning to please consider the student. This is something where I have heard many remarks this morning. I don't have any fear about some of the things that were mentioned about who came to the hearings, who was absent. I consider only the student and it is my believe, my experience, on school boards and since I have been having the privilege of serving here in this body that we need to do it in a timely fashion that people only know when everybody gets involved. I would ask that when the vote is taken, that it be taken by the yeas and nays. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SHERMAN: Mr. Speaker, Men and Women of the House. I would pose a question to those on the majority side, if you will. In some of my notes during this hearing we had some concerns expressed to us. One of them was the legislation violated the provision of the Federal Education Rights and Privacy Act. That may have been because it applied to adjudicated juveniles. That may have been taken care of. We also had the concern that the bill failed to adequately describe the records, which are to be disclosed. It is not clear where the simple directory information be provided or whether it covers psychological, psychiatric and family information. It says that the bill did not adequately describe or limit the potential recipients of the information stating that the only agency that are or might become responsible for the health and welfare of the information. I pose that question to anybody who cares to answer it. Thank you Mr. Speaker.

The SPEAKER: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. I believe that (S-522) does take care of the concerns that the committee, the technical problems with this regarding how much is shared and what is shared. It is certainly permissive and it is up to the school, the juveniles, the parents and the guardians to determine what is shared. I might add that this issue here is of the utmost concern. It is, I think, one of the most important topics of today. It affects a number of the bills that were brought before our committee and I think we need to get going on it. I agree with Representative Chick. We can't wait.

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. Just a couple of points. It is not up to the parents what information gets shared. The parents don't have the right of refusal in this. The main point I want to make is that everything you have heard here today is true and it is correct. Our whole committee was absolutely in agreement about how important it is to share this information. The case in point is when we called some of the superintendents, they didn't know how the law we passed two years ago was even working. The information has to come from the Criminal Justice System to the schools. That was the bill we passed two years ago. It comes first to the superintendent and then we set up an elaborate system where a committee is formed. The superintendents don't know how it is coming or working and it has to come to them first. My concern is that we are passing these laws, but they are not actually making the information get to where we need to get it to make these rehabilitative plans. The Minority Report is a commission. I know we don't like studies, but we need to have all these people sit down at a table and figure out how they are going to share this information, who is going to get it and how it is going to work before they all feel trusting in each others agencies that they are willing to give out the information. I want the superintendents to say, yes, I am happy to share this information with the Criminal Justice Agency. I want the Criminal Justice Agency to actually share the information that the schools need. It is not necessarily happening and we have already passed one law. My point is, if we are going to make this happen, we need to get the interested parties sitting at a table and work out how they are going to do it so that they have trust in the way that it is happening. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Just one final comment that I would like to make. I fully agree with Representative Peavey, the Representative from Woolwich, regarding the fact that a lot of superintendents don't even know that this law exists and how it is meant to exist because of the prior laws that we have passed. That is why I would reiterate what I said in my previous statement is that I believe we should all be sitting with our superintendents, our school principals and our local law enforcement agency and we should all be talking and bringing copies of the law and explaining it. Who knows? It is a problem with all the laws that we have passed that often times unless the press picks up on it, people don't know that we have passed the law. That does not mean that we need to have a study commission in order to pass along the information that we just passed the law. I believe as individuals it is our responsibility as local legislators we need to sit with our superintendents, school principals, probation officers, local law enforcement agencies with our child advocates in our area to make sure they know what the law is and to make sure that it is working to the best advantage for the kids. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. The good Representative from South Portland,

Representative Muse, presented a list of organizations that are of national origin who support this bill. I would ask if there are any organizations or individuals from within our state that came to support this bill and, if so, who were they?

The **SPEAKER**: The Representative from Buxton, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. In response to the question, I have the file in front of me. I do have a copy of the letter from the Maine State Principal's Association. I want to make sure I am saying it correctly. The Maine Principal's Association is in support of the bill. It says nothing of the superintendents. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am answering the question from the Representative from Buxton, Representative Savage. I would also indicate that the Maine School Management Association agreed to this bill and as well as Attorney Ned Chester in Portland.

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Peavey. 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 **PEAVEY**: Mr. Speaker, Men and Women of the House. Just briefly. The Prosecutor's Association also endorses this. Actually that is where the initiative came from.

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 - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skogiund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Bruno, Davis, Foster, Glynn, Goodwin, Jones, Joy, Kasprzak, LaVerdiere, Peavey, Perkins, Pinkham, Savage W, Sherman, Thompson, Tracy, True, Volenik, Wheeler EM.

ABSENT - Kneeland, Plowman, Richardson J, Twomey.

Yes, 127; No, 20; Absent, 4; Excused, 0.

127 having voted in the affirmative and 20 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** in concurrence.

Resolve, to Establish the Maine Forest Policy Round Table Study Commission

(H.P. 1400) (L.D. 2005)
(H. "A" H-875 to C. "A" H-865)

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

On motion of Representative PIEH of Bremen, was **SET ASIDE**.

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

**ENACTORS
Emergency Measure**

An Act to Prohibit Dragging in a Portion of the Taunton River Area

(H.P. 1745) (L.D. 2451)
(H. "A" H-821)

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. 121 voted in favor of the same and 10 against, 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**.

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-873) - Minority (1) Ought Not to Pass - Committee on **JUDICIARY** on Bill "An Act Concerning Offensive Names"

(H.P. 1712) (L.D. 2418)

Which was **TABLED** by Representative THOMPSON of Naples pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against the present motion today. I will tell you why. When I listened to the public hearing on this issue, I listened very intently to everything that was said and everything that was presented to me, before, during and after the public hearing in doing some research on my own and getting other information from people who contacted me. When we had the public hearing, the issue seemed to center around initially for an information gathering type of situation, the origin of the use of the name "squaw" is a contemporary meaning. That is how it is being used today. Different people are affected by the use of the name, those who were against it and those who are not changing it for people in areas that had these names. I looked at the possible remedies and solutions if this subject matter warranted any of those. I am not insensitive to the feelings of the people who have a problem with the use of this name in the language. I, myself, through my life tried to respect everybody's feelings. I, like everybody in this

body, probably at some time or other in their life have used words that are hurtful. When I have done so, I have apologized and corrected my behavior. That is, as it should be. When I looked at this issue, I realized that there was not unanimity in the Native American community in this state and in other states to that I have gotten information from through the e-mail.

I am going to mention just a few of those that disagree with changing the name. One is named Richard Hamilton and he is the past chief of the Penobscot Nation. He said, I am quoting from the information that I got from the committee, "I never considered it offensive. Some of the confusion may stem from the fact that "squaw" is neither a Penobscot word or a Passamaquoddy word, but rather a word that originated with other tribes until some Indians began focusing attention on the word's sometimes negative connotations." Hamilton said, "It was never even mentioned as to whether it was a good word or not." It was an accepted word that was synonymous with woman. Some might put that aside and say he is a male, what does he know? It is a women's issue or whatever. Certainly, I didn't stop my inquiries there.

The information that I got over the e-mail was from Native American woman. One really stuck out to me. It was a Marge Brushac. I think that is how you pronounce her name. She is an Abanaki Misacoie band in Vermont. She is an Abanaki woman and also a historian. This is in her words. "If we eliminate the word 'squaw' from the English language we presume to legislate usage of traditional native languages that contain words that Europeans misused. As a Native American woman and a historian, I am deeply suspicious of how modern political attitudes are sometimes implied to the past without careful consideration of the real nature of cultural exchange. I don't mind one bit being called a 'squaw' as long as the speaker understands that it originated, not in some ignorant swear word, but in a marvelously descriptive and indigenous language. I respectfully suggest that we reclaim the understanding of the original definition before we ban the use of any words from an indigenous language. To much already has been lost in the conflict between cultures. We cannot continue to allow colonial attitudes to tell us what our words mean. Every time we accept their definitions we accept that they have the power to decide. My suggestion is to do what the Institute for the Advancement of Aboriginal Women in Edmonton, Alberta has done with the term, "I can't pronounce it, but it is similar to 'squaw', which is the northern linguistic equivalent of New England. They have reclaimed it. Insisting that it will no longer be tolerated as an insult, but will be recognized as a term of honor and respect as a word of our original language. Imagine the power and the opportunity to educate the next time somebody tries to insult you by calling you a 'squaw.' You will be able to stand proudly and say that you do not accept your definition of that word in English. Among my people women are honored and respected. The word 'squaw' is our word for woman and is not to be used by you or anyone else as an insult. Every time I heard the word, I remembered the voices of the ancestors who taught the Europeans to speak our language and in their honor I ask you to use the language only with respect." One more comment from that woman historian regarding place names. She goes on to say, "As for the place names, perhaps a more useful resolution would be one that acknowledges the imprint of indigenous woman and indigenous language through the survival of these names on the landscape and declares that this word will no longer be tolerated as an insult, but will be restored through its

original respectful meaning. If we take it away, we also take away the lives, stories and voices of the women whose presence was acknowledged by the original name."

That went a long way to my decision. It was a very tough decision to vote against the change. I have deep respect for Representative Loring and she knows that. We have had talks. We agree to disagree. The other thing that I was considering when I was getting ready to vote, it was not an easy vote. There are other people affected by this. Not too long ago we gave the authority to the tribes to change the names within their jurisdiction, the names that they wanted to change that they found offensive. We have before us a proposal to reach beyond that to affect other people's lives. People who I consider good people, people who never probably ever use the word in a derogatory manner, people who live far away, maybe, from the people who want to have the name changed. If we decide to pass this, what we are saying to those people is, by the way, if you think you are doing a good thing, you are being insensitive and bigoted and we are going to change the name for you. I cannot do that, ladies and gentlemen, as much as I may be sympathetic and sensitive to somebody's feelings, I cannot extend that beyond my own behavior.

Interestingly in the public hearing a lot of the women who are testifying were using the expression that when they were in school, they were pushed down and called a dirty Indian. In fact, I heard that more often than I heard the use of the word "squaw." I would suggest that if anybody has kids who do that and they find out about it, they would take care of it promptly. There again, what do we do? Do we change another name? How do we stop that without educating people as opposed to changing names? The big thing that came at the end of the hearing when I asked questions in the work session of various people that attended the work session and asked different questions about the history and what about this Native American woman who is a historian who doesn't want to change? What about the chief of the tribe that doesn't want to change? What about these other Native American women who have contacted me? The comment I got was I was suffering from internalized racism. That is a nice way of marginalizing somebody's opinion. I don't accept that. I think anybody who contacts me and gives me their opinion, either in public or in private, is to be respected and taken on its merits. That is where I come down on this issue. If people are misusing it and that was the final rap up that they didn't want to look at the history of this word, didn't care where it originated, whether it was an Indian tribe name, whether it was an European expression that was perverted and used in a derogatory manner. They want them to look at how it is used today. That is the important thing that I was told at the end of all this, how it is used today. Today, they say it is used derogatory. Well, if how it is used today is the yardstick, then I would suggest that we don't change it. How it is being used today in place names in Greenville and all of those other areas it is affected, it is not being used in a derogatory manner. The good people from those areas think they are doing a good thing. It fails in all those respects as far as I am concerned and all those points, notwithstanding the serious concerns and the hurtfulness that some people feel when they hear that word. I would suggest that they tell somebody who uses it to cease, but not to change the names of places. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I am going to take Representative Waterhouse's advice and I am going to tell the State of Maine not to use that word anymore. That is what we are asking you to do. We are asking you to ban the use of that name by the State of Maine. We are not asking you to stop anyone else from using the word. We are not asking you to ban the word from the language. We are not asking you to stop businesses from using the word. We are saying that the State of Maine should not be using a derogatory term in naming places in the State of Maine. It is that simple. We heard amazingly compelling testimony in our hearing about the effect of the use of that word against Native American women and how they were treated growing up being labeled not just as dirty Indians, but as "dirty squaws" and how that affected them emotionally and continues to affect their lives today. I understand that people can say, but I don't use the term in a derogatory manner. The truth is the word "squaw" does not come from any of the languages of the tribes in the State of Maine. It was a word adopted from whatever source and there are a lot of disputes over where it came from. It was not a word that was adopted by the tribes in the State of Maine to identify the women in their tribes. It was a word adopted by the Europeans to brand Indian women with a negative word that is still used today. It is not a recent phenomenon, by the way, that this has negative connotations. It has had negative connotations for a long time.

Are there particular Indians who have gone on record saying that it is not offensive to them? Yes, I don't doubt that. Is that the standard we use? We have to be a unanimous vote of every Indian person to tell us when something is wrong. I can remember watching TV shows and going to see movies with the classic depictions of cowboys and Indians. When the word "squaw" was used by the white men in those movies or TV shows, it sure wasn't in a positive connotation. I think each person who sits here and thinks of that will know in his or her hearts that it has been used with negative connotation, extremely negative connotation. Woman after woman after woman that came to our podium told heart-wrenching stories of how their lives were affected by this. Am I saying, therefore, ban the use of the name of the word? No. I am saying, do the right thing. Do what the State of Maine can do to show our respect for Indian women. Do the one thing that we have the power of doing. That is to say that no place name in the State of Maine over which we have control shall have the name "squaw." Thank you.

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

Representative **SHOREY**: Mr. Speaker, Ladies and Gentlemen of the House. I stand to support Representative Soctomah in this initiative. My family has been neighbors with the tribe for over 100 years in Perry. We have been trading with the Passamaquoddy just as long. As a neighbor, I believe I have perhaps a unique insight into the culture and the people. I can tell you, unequivocally, the word "squaw" is offensive. It is derogatory. We should do something about it. Just because the term doesn't offend you, don't assume that it doesn't offend somebody else. Please follow my light. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. "An Act Concerning Offensive Names," I am a cosponsor of it. I have lived all of my life along the Presumpscot River, which means the river of many rough places. It starts in

Sebago Lake and flows through Westbrook, Windham, Falmouth and Portland. It is an honorable name. I would be against changing that. It is not a derogatory name at all. It has a lot of the Indian heritage in it, the name. Nevertheless, I think this is an offensive name. Carl Young, who came to this country in the 1960s said, "The Native American must go deeply into our psyche because we have named so many places after the Indian." I am often reminded of Shakespeare's *Merchant of Venice* where one of the main characters said the following, "Are they not hurt by the bad names? Are they not subject to the same disease? Are they not warmed and cooled by the same winter and summer?" This name was offensive to a group of our Native Americans and American citizens and Maine citizens. Let's change it. Let's stop this and change it. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Men and Women of the House. Native people have suffered from past injustices for hundreds of years. We have been told where to live. We have been told what to eat. We have been told who we are. I am not here to address the past injustices that my people have had to endure. I am here to address the present and the future relationship between Native people and the great State of Maine. There is a wave of change happening in Maine's Native communities. Native men and Native women are standing up and making positive changes. This bill is part of that positive change. The self-image of Native women goes right to the very core of our culture. They are the grandmothers that taught us our traditions. They are the mothers that taught us endurance. They are the daughters that came before the Judiciary Committee and the whole State of Maine and the nation to ask for respect for one's fellow human beings. The Maine Legislature can take a step in the right direction and say, stop sanctioning the use of "squaw" in geographic place names. This word is used to describe a specific racial group of people, Native women. This word is offensive, dehumanizing and a term that is used against women. It is not about political correctness. It is about basic human decency. How many more years will Native women have to suffer these verbal scars and at what cost to society and to the Native community? One hundred percent of each Native community supports this bill. These are the elected officials of the five Native communities in this state. They have signed a resolution supporting the removal of this word from geographic place names. This is an offensive word. To allow this word to be sanctioned by the state is wrong. I am asking for support on passage of this bill, which is very important in the future relationship of Native Tribes and the State of Maine. There is no other legislation that has come before concerning Native Americans and the State of Maine on this type of issue. Native women have opened their hearts to come forward to bring this issue to a head. I ask you for support of this measure and follow the committee's vote in support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. The Judiciary Committee report is overwhelming. Hearings were held with work session completed. The support is appreciated by the Maine Indian Tribal State Commission. It is appreciated by the Penobscots. It is appreciated by the Houlton band of Maliseet. It is appreciated by the Passamaquoddy Tribe, who I vote for today and every day in session. I am their elected

Representative in Washington County. The committee has done its job. Throughout the ages, names of places have changed through war. People conquer other people and they rename entire countries. This is not anything new. Let the history books reflect that in this year 2000, civilization progressed Americans and Mainers who are now discovering that they can heal old wounds by enlarging their capacity for empathy. With the change of these names, we do not alter our past, but instead improve our future. I ask you to do the right thing today and I thank the Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself at a quandary on this bill. I have a lot of close friends, Native Americans, from college. I saw one today that spoke to me. I consider my two colleagues here friends. I understand that this is seen as offensive to many people, whether it is meant to be or not. As many of you know, I am very much a believer in the First Amendment and individual liberties. I have a hard time censoring anyone's language, sanctioning any limitations on language for any reason. I believe in the First Amendment and I believe in the concept of it. People in this country have a right to be stupid, to say bad things. I think it is necessary and I think along with rights go responsibilities as we say. It is true. We have responsibilities as individuals to stand up and say that is wrong. I heard someone say that if their child said this word, they would punish them, as well they should. If I saw someone saying it now that I know how offensive it is, I would say to that person, no. I think you all know that I am not very shy. I would stand up to somebody who said something that I felt was inappropriate and let them know.

They have a right to say it. We need it to be said. We need people to say these things in the light of day and tell them it is wrong and stop it, not by legislating it, by stopping it as individuals. If they don't say it in the light of day, they are going to say it in chat rooms where no one disagrees. They are going to meet in little rooms wearing white sheets where they all agree and they are going to spread their hate and no one is going to be in that room to say it is wrong. That is where the hate crimes come from. This comes from these people that like to slur other people and are afraid to say it because there is laws telling them they can't say it, so they don't say it out in public and no one can challenge them in public. That is what I am afraid of with any of this legislation. That is the beauty of the First Amendment. It protects us from language and speech that is bad. It lets us come forward and tell those people it is wrong and challenge what their notions are. It doesn't protect agreeable speech, because you don't need to protect that.

I am very much at a quandary. I understand what they are doing. It breaks my heart that they feel it is a slap in the face. It is not. I would be the first to stand in opposition to people using this word offensively. I am also torn in my beliefs of the First Amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I am very pleased to speak on this legislation today on behalf of my legislative district, which is the Penobscot Nation. I would like to thank my good friend from Pembroke for bringing up an issue, which brings this into great clarity for me. This is an issue that I gave a lot of thought to. I had numerous discussions with my friends from the Passamaquoddy and

Penobscot Tribes. I was very troubled about going forward with this. I want to make sure we do it in a judicious manner. I feel very strongly about the use of language. For that reason, I have always been opposed to banning books and burning them and a number of other permutations and how we make an assault on language. I wanted to make sure that when I voted on this bill today, that I would have an opportunity to do what I consider philosophically to be the right thing.

When Representative Goodwin from Pembroke talks about history, it makes it very, very clear. There is an elemental premise in historiography and that is that history is written by the winners. If you don't think that is true, then think back on the history of the United States. Let me pose a question to you, to tumble in your own minds, do you consider men like George Washington, John Adams, Thomas Paine and Thomas Jefferson to be great patriots, fathers of our country? Go to any school and ask that question and they will all raise their hands and say yes, they are great patriots. Now ask the other question, were they considered great patriots in England? They were traitors to the crown, but they won and they became patriots. Do we consider Robert E. Lee, Stonewall Jackson to be patriots? No, we call them rebels because they lost. When you talk about a conquered people, that is what we are talking about when we are talking about Native Americans, they were conquered by the European civilization that came to this land. This is an opportunity for us to look these people in the eye and say that we value them as fellow citizens. We are going to put away the prejudice of the victorious in terms of how we address our fellow citizens, women in our culture and how we defend them and honor them.

I think back, again, going back to history about a police report, the annual report of the City of London in 1947. They said they had 18 murders in the City of London in 1947, but 12 of them were not serious murders, only husbands killing their wives. Think about how we value women today versus that cultural snapshot 53 years ago. For me, the issue is made very simple that I can go to the Penobscot women in my district and say that I value you enough to do this and show you that I value you by doing this. For those of you who have similar concerns to my initial ones that we want to be champions of a vital language. We don't want to restrict anyone's right to free speech or the issue of place names or whatever. Consider this, it does no harm to do this. It does do much good. I would ask you to support the majority of the committee and accept this report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just one brief comment to the previous speaker, making the comment that history belongs to the victors, I consider that not part of this argument. The reason I do that is because, as I mentioned in the beginning of my speech, most of the overwhelming information that I have received said that this is not a European name, this is an Indian name. I quote from a Philip Lesord, an Assistant Professor of Anthropology. Professor Lesord worked for the Wabanaki Bilingual Education Program at Indian Township in the 1970s. He said, "Instead 'squaw' originally meant women and more specifically young women in the language of Massachusetts." It didn't belong to the vicars, it belonged to the indigenous people. Thank you.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. Three brief points. Number one, we have heard some discussion today about the First Amendment. I guess I am going to say what the good Representative from Old Town said, but in a bit different way. Just because we can, doesn't mean we should. Just because we have the right under the First Amendment, doesn't mean we have to exercise that right all of the time. Number two, this past weekend we lived through a bit of history when the Pope in Rome apologized on behalf of the Catholic Church for wrongdoings it had committed against various groups throughout history, to the Jews, although he didn't mention them, I think the people of the covenant was used, Muslims and I believe Gypsies were actually named as one group. That was an apology, a cleansing, if you will. I think we have an opportunity as a state and as a body to do something very similar, although on a much smaller scale. Number three, I will remind the body that today we unanimously passed a Joint Resolution. Contained within that Resolution it says, "We will remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding group for tyranny." Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. I am not a member of the Judiciary Committee, nor am I an Indian, nor do I have a lot of Native Americans who live in my district. I don't have a chance to interact with them very often. My interest in this discussion started before this bill was a bill at all, I believe. Last year there was a citizen of Maine named Mr. Walton who sent letters to high schools in this state that used mascots, various Indian words as mascots. They were braves, warriors, Indians, redskins. He was objecting to them all and threatening that if the schools didn't change the name of their mascots, I guess that he would bring lawsuits against them. When I first saw this bill when I was reading through the new bills coming out in this session and I said here we go again. I began to look on the internet and do some research and talk to some folks. As I did, it became clearer and clearer to me that the word "squaw" was different than braves, Indians and warriors. It really was something that people found offensive. It wasn't simply political correctness. I was up in the air on this bill. I finally made my decision a week or so ago in the *Bangor Daily News* there was an article that dealt specifically with the high schools and the ones that were changing the name and the ones that were resisting. In that article there were quotes by Representative Loring and Representative Soctomah where they made it clear to me that they weren't in alignment with Mr. Walton's plan. They weren't against the use of word Indian. I should go back and tell you that I graduated from Skowhegan High School where I played a little football and I was a Skowhegan Indian. I never had a thought in the world that that was demeaning to anyone and I still don't believe it is. Having read the *Bangor Daily News* article it became obvious to me that our two good Representatives are not interested so much in political correctness as they are this one specific word that they object to. I have come around to their position from being very skeptical in the beginning. I urge you to support the bill. Thank you.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. I rise today to also support the majority position. There aren't many in this chamber at these times that realize that I do have a connection to Old Town. My first 22 years on this planet, a great deal of it, was spent in Old Town. My mother graduated from Old Town High. My father attended schools in Old Town. I attended schools in Old Town at various times, including Helen Hunt and Old Town High School. I stand here before you today to tell you that regardless of what you have heard previously or how you feel, the word "squaw" was slang when I was in school in Old Town. The word "squaw" was derogatory. The word "squaw" was used as an insult to women. It is time to correct this injustice. It is long overdue to make this correction. I would urge that you accept the Majority Ought to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. This issue, at first, appears quite straightforward. We have a place name that many citizens find offensive. My first reaction was to incorrectly assume that this was merely a movement by politically correct folks to cleanse our vocabulary that some perceived as negative connotation of a not so common noun. On closer examination of the proposal, one discovers that the issue has greater implications beyond the removal of a name on a map. This word, this Indian word, could have its official definition changed by this body. Earth shaking, it is not, but we may forever place this word in our lexicon as a negative and vulgar expression, rather than a simple noun describing an Indian woman. Regardless of the outcome, this issue has raised the consciousness of this body concerning contemporary Native American issues and for that, I am glad the issue has arisen. The issue is not only about the meaning of the word "squaw," it is also how we view Native Americans in contemporary society. In their report titled, *The Proposal to Drop Squaw from Place Names in Maine*, issued by the Maine Indian Tribal Commission along with Representative Soctomah and Representative Loring, there were comments that made the case on both sides of the issue. As a matter of fact, they made their case very well on both sides of the issue. Compelling reasons why you can vote either way, as far as I am concerned.

One has to be moved by the testimony of Representative Soctomah when he describes how the term has been used to describe in a slanderous way, Native American women. He states that it is hard for the general population to imagine how hurtful a word can be unless it is directed at them. Reading contemporary literature about Native Americans reveals the efforts that Native American women have expended in preserving their culture. Bunny McBride in her book, *Daughters of the Dawn*, reveals the roll of proud Indian woman. The story covers a tail of four women over a 400-year history of Indians in Maine.

Maine has had a somewhat checkered history in dealing with our Native Americans. At first our early settlers established a good rapport with these tribes until about the early 1600s when one Captain Christopher Weymouth kidnapped five Native Americans and sent them to England on his ship the Archangel. It is interesting to note that the first kidnapping known by Europeans in America transpired over a ship named Archangel. Between that time and now, in our history, we fought six Indian wars with the Native Americans. Today we are at the point where obviously our relationship with those folks is much better.

It is much better because we have a better understanding, I think, of their culture and more ways.

Our quandary is this, do we remove the name and attempt to right a terrible wrong that Representative Loring and her sisters have endured all these many years or do we retain the word in an attempt to preserve a noble title of the proud women of Native American ancestry? I hope we do not succumb to the easy notion that we treat this issue one way or another because our forefathers past behavior towards Native Americans nor should we succumb to the multi-culturalists who feel that we only need sympathize with the group to gain their respect. These Native Americans deserve not our sympathy or our apologies for past sins. These people deserve to be heard for what they are, proud people preserving a proud heritage. Will the elimination of the word "squaw" in official documents change those who wish to use it in a pejorative manner? I don't think so. Will the elimination of the word "squaw" in official documents hasten the definition from good to bad?

Marge Brushac, an Abanaki from Vermont, has provided testimony that is very carefully written and it is really eloquent in its simplicity. I won't read all of it, because Representative Waterhouse quoted from it earlier. At the end of it she says, "I respectfully suggest that we reclaim the understanding and original definitions before we ban the use of any word from any indigenous language. Too much already has been lost in the conflict between cultures. To me, the questions are these, do we strike the name from official lists of place names and in doing so in some way begin to right a terrible wrong? Will official banishment of the word prevent the taunts and insults hurled by those who use "squaw" in a vulgar manner? Do we retain its use and declare that contemporary usage, notwithstanding, we want to help perpetuate the historic and noble meaning of the word? It seems to me that regardless of how we vote, this exercise has become an enlightening experience for all of us. It has forced us to ponder our relationship with our Native American colleagues. It has made us realize once again how a simple innocent word can become a tool of prejudice. My fear is that in our desire to repent a terrible wrong, we may, by implication, ban an eloquent descriptive noun of a proud people's heritage."

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Colleagues of the House. I rise in favor of this bill as Ought to Pass. I also have personal background up in northern Maine. My father's mother used to take this word very offensive. She was a Canadian Indian. She may not have been a Native American, but she was an Indian. She took the word "squaw" very offensive. Every time I hear that word "squaw" I feel very, very offensive towards the word because that brings me back thinking of my great grandmother. I can just imagine what this word "squaw" means and how offensive it can be to our Native American Indian women. How many times have we taught our kids, our children, that offensive language is bad? I teach my kids to this day what offensive languages are and one of them is "squaw." I remind him that his great great grandmother was one. Now when he hears the word "squaw" he finds it very offensive to him and to our family and to all the other Native American Indian women. I urge you to please follow my light in favor of Ought to Pass as Amended and let's for once honor these women as women and not as "squaw." Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. Since I, looking around this body, think I am the only one who was here when we dealt with another word, I thought I would give you a little bit of background. That was the "N" word. I really give this advice really to the people of Greenville where I began school as a student in the first grade. I understand what the people of Greenville, many of them are going through in terms of name changes and what they potentially see as a problem. In my area where most of the word was used on maps, were named after streams, first, second, third, fourth, fifth, etc. In that year we removed the word because we felt it ought to be removed. Those became the Pelletier Brooks and they are to this day. The amazing part of what took place over time was that no one refers to them anymore by the old word. They have forgotten what that is and as a new generation grows, it is gone and forgotten. That is the same thing that will happen in the Greenville area when those names change. That is what is going to take place. Is that important? Of course it is.

I want to give you a quick little background because when I came back to Eagle Lake as a student there at that point after transferring from Greenville Consolidated School. I found myself in a new environment, in my point of view. I was back now with the people that I was originally born among. I found myself in a somewhat tough period relearning, in effect, French that I had affectively lost. I remember coming home to my mother and saying that some neighbor down the road was marrying a *tete de pioche*. For those of you who understand no French at all, literal translation is head of a hoe. It doesn't mean much to you, I am sure, but what that meant was that neighbor was marrying an English speaking person, a foreigner. It is not too nice when used. I was appropriately disciplined and those words escaped from my mind until today as we talk about forgetting things.

I remember when I became Speaker of this body and for at least two years, people would come into the office and begin by saying, have you heard the latest French joke? The first words out of my mouth was are you French? If you are, you may say the joke. If you are not, use your own background. If you are Irish, to me it is an Irish joke. If you are Greek, it is a Greek joke. I don't care what you are, but use your own background to give jokes about your heritage and not mine. That, I think, is the thing today that we need to remember. If the Native Americans want to use the word, they have every right to use it, but we don't. It is not ours. It is their native language and their native word. That, I think, is where we ought to stop and we ought not to use it where it is not wanted. The bottom line is, does it hurt? How does it feel and what impact does it have? It is no different to them as it was to me when I became Speaker of this body. French jokes were no fun for me.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. You have certainly been filled in with a lot of history about why we should vote a certain way. Certainly society and this world have changed and it is changing every year. One word that I have not heard, and I did come in late so I apologize if someone used it, the word is self-esteem. I want to thank the two Representatives for bringing this forth to this body. Self-esteem is something that everyone needs, whether they be young adults, adults or even those of us that are in the last category of this age group. One part of history that has not been mentioned is the importance of the Native American. I would ask you to get the book written by Steven Ambros. It is about the

Lewis and Clark Expedition and what a Native American who is Sacagawea and what she did to make this expedition, probably successful after we bought the Louisiana Purchase in 1803. I think, if memory serves me correctly, that we made 13 states out of it later on.

We have used this word for hundreds of years and it is about time that we made amends. I have had many crusades in my life and that is why I chose to be an educator. I thought that if I could bring what I think is a most wonderful place in the world, Maine, to bring people from all of the countries of the world and all nationalities that they could learn from one another what they would never learn from books and at last count I think over a long span of years that I brought 406 Native Americans to a very small campus in the western mountains of Maine. I can't ever remember having one of those children coming to me to say that this word that we are trying to stamp out was ever used. I hope that was respect and not fear of what the headmaster might do if it was reported to him. This morning when I came through the hallway, one of those students came from behind me and gave me a hug. I hadn't seen her since she left my school. I could tell that she had self-esteem. She will soon graduate from the University of Maine and hopefully will go on to advance study in one of the Ivy Schools. Even those that perhaps did not desire an extra education just to work and get along with what we have called in history for years, the country that believes that we can have a melting pot of people and they can be successful and look what our country has done. Look what we haven't done. It is time, ladies and gentlemen, to get back the self-esteem of these people and what is right, I think.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. We are brought up in a society where Native people are invisible. Our educational system perpetuates this. Maine Indian history is left out of the core teaching in grades K-12 as well as at the college level. We see symbols of Indian people and our sacred objects portrayed as mascots for sports teams. I have even heard there is a shop in Portland where when you walk in there and there is a doormat with the image of an Indian Chief and customers are asked to wipe their feet on his face before entering. There is a chain of popular restaurants here where you see a wooden Indian when you walk in. My point is this, of course, many of you don't understand when living, feeling, breathing Native people tell you that they are offended and dehumanized by a word. Many of you were not at the public hearing held by the Joint Standing Committee on Judiciary. I am a member of that committee.

Native people relate by telling stories and we visualize as the story is told. I would like to relate to you one story that was told to me by Chief Brenda Commander of the Houlton Band of Maliseets. I would like you to visualize this as I tell it. She stood before the committee and she said, "Good morning. I come before you this morning as a Native woman, daughter, mother of a daughter, and Chief of the Houlton Band of Maliseet Indians, to tell you how the use of the word "squaw" has affected my life and that of my mother, my sisters, my aunts and the lives of all the women of my tribe.

I have not spoken to even one Maliseet woman who is not offended by the use of the word "squaw." We do not know how the word originated, but we are certain it did not originate from our tongue. We did not use there term to describe ourselves, it was cast upon us by the white settlers. We are unsure of its

original meaning, but we do know hit it came to be used. It has been used to taunt and degrade us as women. The word has come to be felt as the word "whore" feels, dirty, degrading and shameful.

My people have suffered great indignation under white rule in Houlton for many generations. We did not have a land base before 1980, but for safety and community, our families settled in the same area, always delegated to the least desirable land.

One experience that is burned into my memory was coming home one day and seeing a big road sign at the end of our road that said "Squaw Knoll." When I entered my home I found my mother in tears, she was so humiliated. My mother made my two brothers go down and remove the sign. It was a very courageous act, because she knew that they could be charged with tampering with town property, but it was more important to not allow our people to be treated with such blatant racism. The sign did not return, the road now carries the name Cogan Road.

Long before the current debate over the word began, we shared the common experience of being taunted by the word "squaw." Women of my tribe describe the taunting they were subjected to in the '60s in downtown Houlton as children, as seen on television, of an Indian war cry and calling them "squaws." Native young people did not venture downtown alone, but even in the company of others, they were not safeguarded from verbal assaults and it certainly did not come from young people only, it was just as likely to come from an adult.

I would like to be able to say that such things would not happen today, but I cannot. As recently as two years ago, one of our tribal elders, a woman, was standing in front of the county courthouse in downtown Houlton, when a group of youths circled her doing their imitation of a war yelp, calling her "squaw." It was a devastating experience to her bringing back all the old hurts.

As people who for so long have not had a voice that was heard in Maine we did not feel empowered to even think about addressing this issue. We are thankful to Representative Soctomah for bringing this issue to the public conscience and giving us a voice. Tribal Chief, Houlton Band of Maliseets."

Native people in Maine are surrounded by prejudice, hatred and abuse. It is a dark place. Prejudice, hatred and abuse cannot last under the light of education, communication and compassion. I ask you to turn on that light with a yes vote and make this new millennium one of compassion and understanding. Thank you.

Representative THOMPSON of Naples **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: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I can't say anymore, I don't think than what you just heard from Representative Loring quoting the testimony of Brenda Commander who is Tribal Chief of the Houlton Band of Maliseet Indians. The one question I would ask you having heard what you have heard today, I would hope that you would acknowledge that even though the word may have come from an Indian source at some source, but certainly not from the Maine tribes, that even though it may have in certain dictionaries a good meaning. I could read to you a number of derogatory meanings in many dictionaries, but if you find it is used in a derogatory manner by some people and if the name of a new

location in the State of Maine was being voted upon today, would you sit here and vote to name it "squaw?" If not, then you should vote to take that name away from places that are already named that. What we are saying is the State of Maine, as an institution, as the body of this great state, that we in this House of Representatives do not condone such abuse of our Native Americans. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House. I think it was back in the end of December or the first part of January that Representative Loring had brought the ballot around on admitting this bill. I had told her at that time that I hadn't made up my opinion, but that I would give the signature so that the discussion could begin. I think what happened back in January, there was a knee-jerk reaction on the part of some editorial writers and then I think generally throughout Maine. I think it wasn't so much in response to the proposal, but it was probably a response more to what has happened in places like California where political correctness has run amuck. I think as we move beyond that, I think many of you may have sent out your questionnaires in January and some of those responses that came back may represent the climate that existed in January. Since then, we have had the opportunity, through our mail and through very good editorial pieces and direct conversations with Maine women and we have heard today through Representative Loring that very clearly in her personal history and today, she feels that if that term is applied to her, she has been insulted. In March, three months later, I, too, know that.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. This is a bill about place names in the State of Maine. For that reason, it would be a good bill in and of itself. A lot of you sitting out there along with me in our communities have been renaming our streets and avenues and roads for the past two years. We have gone to our town selectmen and we have changed names like North Pond Road to Jennings Road and Walton Road and we changed good old names to new names like Fox Run and so forth without so much as a word. We know that place names are important. Really this bill is more than just about a place name. For that reason though, it would be enough to vote for this bill. For me as a teacher and even though I feel this bill is going to pass today, because I can hear the sentiment, I want you to know that this bill is good for your classroom, my classroom and every student in the State of Maine because they are watching what we are doing today. This is a bill that is good for multi-cultural education, which really does not exist in the State of Maine today. There is no requirement that a teacher should have to have a course in multi-cultural education. It is not surprising that most of us don't know too much about the Native people of Maine. I was very impressed by Representative Buck and his reading that he showed in his testimony this morning. Most school children simply don't get pass Tee Pees and war whoops and sitting like Indian or wearing war feathers or war bonnets or listening to a bit of music. As they get to be adults, it is time for something different.

My very first bill in this House was to require that all teachers in the State of Maine have a course in multi-cultural education. Folks, it is incumbent on us sitting here to try to do that. I hope that this bill is going to be a first step toward that. By 2050, we

are all going to be outnumbered folks. We are going to be in the minority and our children and their children are going to deal with living in the status of a minority. It is going to be very important that our children be carefully taught. On the day that the bill was heard, I brought my class to hear the bill. They had studied Native American literature for four weeks in conjunction with American history, songs, poems, speeches and a wonderful novel about first contact for the Black Feet Indians of Montana. Before they did that, however, I had them write what they knew about Native people of Maine. Write as long as you want. I will give you 20 minutes. Most students stopped in about 5 minutes and had about a paragraph. They couldn't name the Native people. They couldn't name at least two famous Maine Native people. They knew little more than that third grade education had given them.

According to learning results we want to apply what we learned. We saw the bill. The students wanted to come and they came. I am very careful as a legislator in the classroom to be nonpartisan, to allow students to debate issues and make up their own mind. I had not mentioned how I felt on this issue. I brought them to the hearing and they spent the entire morning and the entire afternoon listening. They went back and they had a Senate debate with myself acting as the Senate President. They had to draw out of a hat the position that they were going to take. You should have heard their comments. I don't want to have to argue the opposite side of this, Mrs. McKee, do I have to do this? We did. We argued it, but at the end I allowed them to vote. They all voted to remove this word from place names in the State of Maine. My class is looking to us today. Students will remember what you do today and I am hoping that this will be the beginning of us thinking about what do we know about Maine Native people. Hopefully, this will be the beginning of a multi-cultural education movement in the State of Maine. We will become the fourth state to remove place names if we do this today. I hope that you will join me. We have a lot to do to curb racism in the state and we need to take the first step and get started. Thanks.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I rise today not to try to sway your vote, but to add two points to the debate that maybe we could ponder for a moment. When I discussed this with my extremely intelligent wife who happens to teach in school, she brought to me a point that kind of hit home. She said the word "squaw" was used in many of the textbooks in the literature that they use in teaching now. If we passed this legislation, how would that affect those books that are in our school? I said that I really don't know, but if this word is bad for titles or names of lakes and mountains, I can't imagine that first graders would be taught using books that used this word in that way. In conversation with Representative Perkins, who I have the greatest amount of respect for, I brought that situation to him and I asked him if he thought someday this would lead to taking books out of school? He said that he thought eventually, yes. That is a big impact. This goes beyond titles. This goes to our schools. The second point that I would like to make is that when we begin with one group of people, African Americans, and we say a word is damaging or hurtful to you and we take it out of titles, I can't imagine a greater slap in the face to a group of people, like Indians, if we said now that your feelings aren't at the same level as theirs were and we didn't pass this legislation. That is really the danger in trying to

regulate words and the intent of those words. I can't imagine if we begin down that road and we start to pick and choose the feelings of groups of people and then decide that one is greater than the other. Either we have to do this today or we never do it again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. In my own mind I am faced with a tremendous inconsistency. I want to talk about a mountain, a mountain in Greenville. I live 40 miles south, southeast of this mountain. I have known this mountain for about 30 years. I have ice fished out on Moosehead Lake and been there before the sun has come up in the morning and watched that sun rise in the east and shine off of that beautiful majestic mountain, snow covered, glistening. I have been there in the afternoon and watched the sun go down just north of that mountain. It is just majestic, beautiful, overshadowing the forest. How can anything so majestic and so beautiful be so wrongfully named? Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I am going to oppose this bill and the reason is, I sent out a questionnaire last month and one of the questions on there was, do you favor removal of the word "squaw" from Maine landmarks, mountains and Lakes? Ninety-one percent of the people that did respond said no. This bill is going to hurt the Greenville area. It is going to hurt Squaw Mountain Ski Area. They have been promoting that ski area for many, many years and it is known all over the country. If you add a new name to it, they are going to lose all that promotion that has been going on. So, I think we should give this bill some more study.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a very enlightening dialog for me. I can think of a number of four letter words that I would like to get rid of also. Speaking on this bill, it would be difficult for some people because there is an atmosphere of sensitivity in our society now that makes it awful to try to take one position or another. Political correctness tends to be a very harsh tyranny and is intolerant of honest disagreement or as our British colleagues say, the loyal opposition. My district has made it easy for me because they have answered my questionnaire overwhelmingly not to remove this name. Therefore, I am going to vote to represent my district. I hope that others will truthfully represent theirs.

The SPEAKER: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative **GILLIS**: Mr. Speaker, Men and Women of the House. When this issue first came about, I probably was like a lot of other people and said, what is the problem? I was ignorant. I would say that most of the people in the State of Maine are ignorant to the fact that this is a very offensive word to the Native Indians. As we have listened to the debate and we have been enlightened, we should have come out of the darkness of ignorance. We should have evolved to the fact that it is offensive. When I ride home now and I go up the interstate, I look at the word Squaw Mountain in a different light. I look at it as offensive to those people. What I have learned through this

whole thing is that if we put other names that are very offensive to women and I can't say those words here, there would be an outrage. A small voice has cried out and tried to enlighten us that is offensive to them and I think we need to take the trail and vote this one down.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. Just for the record, I know I can't, but if I could, I would be giving my vote to Representative Loring.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Men and Women of the House. I am not very far from Greenville. I have been going to Greenville for at least 60 years if not more and it has always been Squaw Mountain. I never knew who named it and why they named it or anything else. One thing is quite certain and in spite of my sentiments of my good friend, Representative Richardson. We have been told a message here that this is a front and bothers the Indian women. It is an insult. I don't care if you insult me, but stop insulting the Indian women. Vote to cut the name out.

The SPEAKER: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative GILLIS: Mr. Speaker, Men and Women of the House. Excuse me, but I misspoke. I meant to say accept the Majority Ought Not to Pass. Thank you.

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. 462

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV,

Schneider, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Carr, Clough, Jodrey, Kasprzak, Labrecque, MacDougall, Mack, Mendros, Nass, Pinkham, Richardson E, Shields, Stedman, Tobin J, Waterhouse, Wheeler EM.

ABSENT - Fisher, Matthews, Richardson J, Sherman, Twomey.

Yes, 129; No, 17; Absent, 5; Excused, 0.

129 having voted in the affirmative and 17 voted in the negative, with 5 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-873)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-873)** and sent for concurrence.

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

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

SENATE PAPERS

Bill "An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration" (EMERGENCY) (S.P. 1042) (L.D. 2630)

Bill "An Act to Appropriate Funds for the Sunset Bay Company" (EMERGENCY) (S.P. 1045) (L.D. 2632)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

On motion of Representative SOCTOMAH of the Passamaquoddy Tribe, the House adjourned at 12:57 p.m., until 9:00 a.m., Thursday, March 16, 2000.