

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
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ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Monday, April 3, 2000

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

Prayer by the Reverend Gregory Vinson, Elim Assembly of God, Bath.

National Anthem by Angelique Bourgoin, of St. David.

Pledge of Allegiance.

The Journal of Friday, March 31, 2000 was read and approved.

SENATE PAPERS

Bill "An Act to Appropriate Funds for the Federal Retirement Recovery Claim" (EMERGENCY)

(S.P. 1071) (L.D. 2664)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, under suspension of rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending **REFERENCE** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

(H.P. 1675) (L.D. 2341)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949)** in the House on March 30, 2000.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative ETNIER of Harpswell moved that the House **ADHERE**.

Representative TUTTLE of Sanford moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on his motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 518

YEA - Ahearne, Andrews, Bowles, Bryant, Cameron, Chick, Clark, Clough, Collins, Colwell, Goodwin, Jodrey, Joy, Kane, LaVerdiere, Lemoine, Lovett, MacDougall, McAlevey, Murphy E, Murphy T, Nass, O'Neil, Perkins, Rosen, Sanborn, Savage W, Stanley, Stanwood, Stedman, Sullivan, Tracy, Tuttle, Wheeler EM, Wheeler GJ.

NAY - Bagley, Belanger, Berry DP, Berry RL, Bouffard, Brooks, Bruno, Buck, Bull, Bumps, Campbell, Carr, Chizmar, Cianchette, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Foster, Fuller, Gagne,

Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Kasprzak, Labrecque, Lindahl, Mack, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Samson, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Volenik, Waterhouse, Weston, Williams, Winsor, Mr. Speaker.

ABSENT - Baker, Bolduc, Bragdon, Brennan, Daigle, Dugay, Duplessie, Frechette, Green, Kneeland, Lemont, Madore, Marvin, Matthews, McKee, Mendros, Muse, Perry, Plowman, Quint, Rines, Skoglund, Stevens, Tessier, Townsend, Twomey, Usher, Watson.

Yes, 35; No, 88; Absent, 28; Excused, 0.

35 having voted in the affirmative and 88 voted in the negative, with 28 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

COMMUNICATIONS

The Following Communication: (H.P. 1918)

JOINT STANDING COMMITTEE ON TRANSPORTATION

March 30, 2000

MEMO TO: The Honorable Mark W. Lawrence,

President of the Senate

The Honorable G. Steven Rowe,

Speaker of the House

FROM: S/Senator William B. O'Gara, Senate Chair

S/Representative Joseph M. Jabar, Sr.,
House Chair

RE: Government Evaluation Act Review of the
Department of Secretary of State, Bureau of Motor
Vehicles.

We are pleased to submit the report of the Joint Standing Committee on Transportation with respect to our review of the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35.

A copy of our report is attached. The committee has found that the Bureau is effectively carrying out its statutory mandate to enhance roadway safety by ensuring the accuracy of motor vehicle records and the integrity of driver licensing services and providing efficient and convenient services to Maine citizens.

We have, however, found that new challenges are facing the Bureau. The Joint Standing Committee on Transportation will report out legislation to clarify procedures for the Bureau to electronically process vehicle registrations. Our thinking is outlined in our report and background information is contained in the Bureau's GEA report to the Committee.

Thank you.

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

Sent for concurrence.

ORDERS

On motion of Speaker **ROWE** of Portland, the following Joint Resolution: (H.P. 1917) (Under suspension of the rules, cosponsored by President **LAWRENCE** of York and

Representatives: ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BERRY of Livermore, BOUFFARD of Lewiston, BOWLES of Sanford, BRENNAN of Portland, BULL of Freeport, BUMPS of China, CHICK of Lebanon, CLOUGH of Scarborough, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, DAVIDSON of Brunswick, DAVIS of Falmouth, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, FOSTER of Gray, FULLER of Manchester, GAGNE of Buckfield, GAGNON of Waterville, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, JACOBS of Turner, LABRECQUE of Gorham, LEMONT of Kittery, MADORE of Augusta, MARTIN of Eagle Lake, MAYO of Bath, McALEVEY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MUSE of South Portland, NORBERT of Portland, O'BRIEN of Augusta, PERKINS of Penobscot, PIEH of Bremen, POVICH of Ellsworth, RICHARD of Madison, RINES of Wiscasset, SANBORN of Alton, SAVAGE of Union, SAVAGE of Buxton, SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIAH of Bowdoinham, STANWOOD of Southwest Harbor, SULLIVAN of Biddeford, THOMPSON of Naples, TOBIN of Dexter, TOWNSEND of Portland, TRACY of Rome, TRIPP of Topsham, TUTTLE of Sanford, USHER of Westbrook, VOLENIK of Brooklin, WATSON of Farmingdale, WHEELER of Eliot, Senators: ABROMSON of Cumberland, BENNETT of Oxford, CATHCART of Penobscot, TREAT of Kennebec)

JOINT RESOLUTION RECOGNIZING THE MONTH OF APRIL AS CHILD ABUSE PREVENTION MONTH

WHEREAS, the incidence of child abuse and neglect affects over 3,000,000 children in the United States annually; and

WHEREAS, according to a recent report issued by the Department of Human Services, there are at least 12,000 abused and neglected children in the State; and

WHEREAS, it is of utmost importance that lawmakers, health care providers, parents and every community-minded citizen in the State continue to work to make children safe and to support families in their efforts to care for and protect their children; and

WHEREAS: successful resolution of this serious problem facing thousands of children and families all across Maine requires the commitment of all citizens to recognize the problem and to take necessary steps to reverse the situation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, recognize the month of April as Child Abuse Prevention Month and urge the citizens of the State to use this observance to educate themselves and others on the seriousness of this matter; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to municipal officials of this State for public viewing by the residents of every community in Maine.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (S.P. 1003)

Report of the Committee on **TAXATION** on Bill "An Act to Exempt a Portion of Private Pensions from Income Taxation"

(S.P. 1049) (L.D. 2641)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 1003).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-619)**.

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**. **SENATE AMENDMENT "A" (S-619)** **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** later in today's session.

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Require Camp Lot Leases to Include a Clear Statement of Fact"

(S.P. 917) (L.D. 2369)

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
COWGER of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-614)** on same Bill.

Signed:

Representative:

VOLENIK of Brooklin

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

Representative PIEH of Bremen moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. My vote will be simply an act of solidarity with camp lease holders who have been enticed to purchase they do not need and to pay lease fees for hundreds or thousands of percent higher than a decade ago to pay the taxes of wealthy corporate landowners who already pay almost nothing in taxes and who have no voice to bargain with these landowners. Mr. Speaker, I request a roll call. Thank you.

Representative **VOLENIK** of Brooklin **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought**

Not to Pass. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 519

YEA - Andrews, Bagley, Belanger, Berry DP, Bouffard, Bowles, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cote, Cowger, Cross, Davidson, Davis, Dudley, Duncan, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kasprzak, Kneeland, Lemoine, Lindahl, Lovett, MacDougall, Mailhot, Marvin, Mayo, McAlevey, McDonough, McKenney, McNeil, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Sullivan, Thompson, Tobin J, Trahan, Treadwell, Tripp, True, Tuttle, Waterhouse, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Berry RL, Clark, Colwell, Desmond, Dunlap, Duplessie, Gerry, Glynn, Green, Joy, Labrecque, LaVerdiere, Mack, Martin, McGlocklin, Mitchell, Pinkham, Powers, Samson, Shiah, Sirois, Stanley, Stedman, Tessier, Tobin D, Tracy, Volenik, Wheeler EM.

ABSENT - Baker, Bolduc, Bragdon, Brennan, Bryant, Daigle, Dugay, Frechette, Lemont, Madore, Matthews, McKee, Mendros, Muse, O'Brien LL, Perry, Plowman, Quint, Rines, Skoglund, Stevens, Townsend, Twomey, Usher, Watson.

Yes, 97; No, 29; Absent, 25; Excused, 0.

97 having voted in the affirmative and 29 voted in the negative, with 25 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Create a State-sponsored Voluntary Logger Certification Program"

(H.P. 1792) (L.D. 2512)

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
COWGER of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-991)** on same Bill.

Signed:

Representative:

VOLENIK of Brooklin

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-983)** on Bill "An Act to Extend New Teachers' Probationary Periods"

(H.P. 1431) (L.D. 2054)

Signed:

Senators:

BERUBE of Androscoggin
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
WATSON of Farmingdale
STEDMAN of Hartland
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BELANGER of Caribou
SKOGLUND of St. George

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

Signed:

Senator:

MURRAY of Penobscot

Representative:

BAKER of Bangor

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Amend the Right of Entry Clauses"

(H.P. 1363) (L.D. 1961)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-981)** on same Bill.

Signed:

Senator:

BENOIT of Franklin

Representatives:

JACOBS of Turner
PLOWMAN of Hampden
MADORE of Augusta

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-982)** on Bill "An Act to Permit the Attorney General, a Deputy Attorney General or a District Attorney to Request Records of Internet Service Providers and Mobile Telecommunications Service Providers" (EMERGENCY)

(H.P. 1730) (L.D. 2436)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-982)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-996)** on Bill "An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License"

(H.P. 1869) (L.D. 2605)

Signed:

Senators:

O'GARA of Cumberland
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
SAVAGE of Union

WHEELER of Bridgewater

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

Signed:

Representatives:

LINDAHL of Northport
JABAR of Waterville
BOUFFARD of Lewiston

READ.

Representative JABAR of Waterville moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

CONSENT CALENDAR

First Day

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

(S.P. 775) (L.D. 2174) Bill "An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-612)**

(S.P. 938) (L.D. 2388) Bill "An Act Relating to Licensing Board Fees" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-613)**

(S.P. 1031) (L.D. 2611) Bill "An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the United States Naval Shipyard in Kittery, Maine" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-616)**

(S.P. 1039) (L.D. 2621) Bill "An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-618)**

(H.P. 928) (L.D. 1305) Bill "An Act to Establish and Fund Conflict Resolution Programs in the Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1005)**

(H.P. 1847) (L.D. 2584) Bill "An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1003)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 1807) (L.D. 2533) Bill "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1004)**

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

ENACTORS

Emergency Measure

An Act to Harmonize State Financial Services Laws with Federal Law

(S.P. 1007) (L.D. 2574)
(C. "A" S-589)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Prevent the Spread of Invasive Aquatic Plants

(H.P. 1843) (L.D. 2581)
(C. "A" H-970)

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

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act to Provide Education Benefits For Maine National Guard Members

(S.P. 1017) (L.D. 2585)
(C. "A" S-583)

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

Representative STEDMAN of Hartland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 520

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lindahl, Lovett, MacDougall, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins,

Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Bragdon, Brennan, Chick, Colwell, Daigle, Frechette, Lemoine, Lemont, Mack, Madore, Matthews, McKee, Mendros, Muse, Plowman, Quint, Rines, Stevens, Usher, Watson.

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

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

Emergency Measure

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

(H.P. 1883) (L.D. 2618)
(C. "A" H-963)

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

On motion of Representative ETNIER of Harpswell, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement

(S.P. 1040) (L.D. 2622)

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

Acts

An Act to Amend the Law Enforcement Officer Certification Standards

(S.P. 215) (L.D. 637)
(C. "A" S-578)

An Act to Amend the Qualifications of Weighmasters

(H.P. 848) (L.D. 1182)
(C. "A" H-952)

An Act to Amend the Lobbyist Registration Fee Provisions

(S.P. 503) (L.D. 1504)
(C. "B" S-582)

An Act to Encourage Funding for Applied Research and Development Relevant to the Maine Economy

(H.P. 1081) (L.D. 1528)
(C. "A" H-927)

An Act Regarding Promoting Access to Transportation

(S.P. 588) (L.D. 1668)
(C. "A" S-595)
An Act to Improve Business Entity Filings and Authorize Mergers, Consolidations and Conversions of Various Business Entities

(H.P. 1639) (L.D. 2290)
(C. "A" H-965)

An Act to Promote Bone Marrow Donation

(S.P. 916) (L.D. 2368)
(C. "A" S-596)

An Act to Appropriate Funds to the Forum Francophone

(H.P. 1750) (L.D. 2456)
(C. "A" H-907)

An Act to Fund the Lakes Heritage Trust Fund

(H.P. 1764) (L.D. 2470)
(C. "A" H-972)

An Act to Increase Access to High-quality Jobs Through the Federal Workforce Investment Act

(S.P. 957) (L.D. 2498)
(C. "A" S-577)

An Act to Support Child Care Education and Services

(S.P. 963) (L.D. 2505)
(C. "A" S-580)

An Act to Establish the Applied Technology Development Center System

(H.P. 1785) (L.D. 2506)
(C. "A" H-962)

An Act to Improve Educational Programming at Juvenile Correctional Facilities

(H.P. 1872) (L.D. 2608)
(C. "A" H-956)

An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts

(S.P. 1041) (L.D. 2623)

An Act to Strengthen the Habitual Motor Vehicle Offender Law

(H.P. 1886) (L.D. 2625)

An Act to Amend the Laws Regarding the Board of Licensure of Water Treatment Plant Operators

(S.P. 1060) (L.D. 2654)

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

Resolves

Resolve, Regarding Services for Older Persons with Mental Illness

(S.P. 964) (L.D. 2513)
(C. "A" S-586)

Resolve, Regarding Access to Marijuana for Medical Use

(S.P. 1012) (L.D. 2580)
(C. "A" S-597)

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

An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty

(S.P. 910) (L.D. 2362)
(C. "A" S-579)

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

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

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

An Act to Establish an Office of Women's Health

(S.P. 923) (L.D. 2374)
(C. "A" S-585)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 521

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mailhot, Martin, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bowles, Buck, Cianchette, Joy, Kasprzak, Mack, Marvin, Stedman, Winsor.

ABSENT - Bolduc, Bragdon, Brennan, Daigle, Frechette, Lemont, Madore, Matthews, Mayo, McKee, Mendros, Plowman, Quint, Rines, Stevens, Usher.

Yes, 126; No, 9; Absent, 16; Excused, 0.

126 having voted in the affirmative and 9 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Allocate from the Fund for a Healthy Maine

(H.P. 1818) (L.D. 2552)
(H. "A" H-964 to C. "A" H-941)

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

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

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

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

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 31, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-922) - Minority (5) Ought Not to Pass - Committee on CRIMINAL JUSTICE on Bill "An Act to Limit the Issuance of Concealed Firearms Permits" (H.P. 1771) (L.D. 2484)

TABLED - March 27, 2000 (Till Later Today) by Representative CHIZMAR of Lisbon.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-922) was READ** by the Clerk.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I urge the body to oppose this motion. This bill prohibits the issuance of a concealed weapons permit herein referred to as CWP. To a person who has been subject to a protection of abuse order herein after referred to as PFA within two years of the date of the applications. Again, this bill prohibits the issuance of a concealed weapons permit to a person who has been the subject of a protection from abuse order within two years of the date of the applications. This is the second of three gun bills that appeared before our committee, the Criminal Justice Committee. The committee struggled mightily with this bill because on its face it is made to appear that this LD is designed to benefit victims of domestic abuse. There is nothing that we won't do in our committee to keep peace at home, to help promote peace at home.

Many times in the past when debating criminal justice bills you maybe have heard me remark, is the matter before us a failure of law, a failure of law enforcement or is there a failure of anything at all? In this instance in both federal and state current law seem to deal with the problem fittingly. Current Maine law allows the judge to determine after a hearing that the defendant in this civil matter represents a creditable threat to the physical safety of a partner or a child. The judge determines at the hearing and both sides have the benefit of council, but if there is a creditable threat to the physical safety of the partner or the child, the judge can collect the firearms. He can gather them all up, firearms, bats, knives or whatever is dangerous in the house for a period of up to five years. That old law speaks to this issue more harshly. It is unlawful for any person who is subject to a protection from abuse court order to possess or purchase firearms and ammunition. A violation of this order will get you a \$10,000 fine and a year in prison.

The bill currently under consideration, LD 2484, will take your concealed weapons permit. The CWP is not the object of danger. The CWP does not do the damage. It is the firearm or the weapon or the variety of other weapons that are used. If we only stashed the concealed weapons permit, where have we solved the problem? The problem is not with the permit holder. Concealed weapons permit holders have been shown to be law-abiding citizens. A person holding a concealed weapons permit committed none of the homicides in the past 10 years in Maine. The conversation in this matter is distracting. Current Maine law and current federal law goes to the object of the destruction, the firearm, the weapon. If you have a PFA now you can and you will lose your firearms.

Our committee interviewed members of the Judiciary. They do collect the firearms when this protection from abuse order is issued. They do get your gun. Where is the problem? I urge the body to oppose the following motion. Thank you very much.

On motion of Representative POVICH of Ellsworth, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended Report was ACCEPTED.**

Representative O'BRIEN of Augusta moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I am speaking from the heart on this bill. I have to tell you from me that this has been an extremely difficult bill and decision. I originally thought that this was a domestic violence issue and I wanted desperately to support it. As a matter a fact, in committee I originally voted for the bill. You see in what I call my past or my previous life, I can say that I personally saw what domestic abuse is. I know personally what a protection from abuse order is. I know the life and it is not a pretty life. I have worked for years and I am currently serving on a commission with victims of domestic abuse. In the past I have not spoken about this publicly often because, personally, for fear of retaliation, but today I feel I need to do so. For the victims, the men, the women and the children of domestic abuse and domestic violence, I did vote for this bill. However, I went home after an excruciating work session and I calmed down and I did some serious thinking. I want to say that I was not lobbied and I was not intimidated by anyone. This decision came on my own accord. I came back and I asked if I could change my vote. I wanted to vote against the bill. Logistically I couldn't do that, but if you notice on the report, my name is not on there, but I am speaking against and supporting that we defeat this motion.

This bill is not a domestic abuse bill as I originally thought. It will do nothing to help the victims. I realize that now. The testimony clearly showed that I was voting with my heart and with my past experience. I was not voting by looking really closely at the bill. The testimony clearly showed that judges have the option now and they do exercise it, to check off the box on the protection of abuse order that forbids concealed weapons permits. They do do it. Law enforcement also has the option and they do exercise it to confiscate weapons upon responding to a domestic abuse call.

Very simply, in conclusion, this bill is a feel good bill, but it will do nothing to protect those living under the terrible shroud of domestic abuse and domestic violence. I ask you to follow my light and I would request a roll call when the vote is taken. Thank you.

The same Representative **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I urge your support of this motion. Most of the things that have been said here already are what I had on my mind. They have been said very well by the two Representatives that have spoken. I would just like to point out a couple of things. In two of these handouts that we have here, for example, the white one from the Portland Press Herald, near the middle of the first column, he points out that there was a piece in the paper the other day. "Gunman injures wife and kills himself" and then he says that the gun crowd would argue that this man probably didn't have a concealed weapons permit. Of course he didn't look into that and whether he did or didn't would be splitting hairs. Look this over. This is the kind of information that they should have found out. The whole issue is about, do people with concealed weapon permits cause these problems? The other one is the yellow sheet. The second paragraph talks about 64 percent of the murders in the state were the direct result of domestic violence. We all agree that domestic violence is terrible and should be curbed. It doesn't say a thing about whether these people had a concealed weapons permit.

I would just like to quickly point out a study that was done by a law professor at the University of Chicago. His name is John Lott and I have a book here called, *More Guns, Less Crime*. He studied nationwide statistics. He studied over 3,000 counties around the country. The counties and state that liberalized their concealed weapons laws, their crime rates have fallen faster than any other areas of the country. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I have been hoping that this day would come and go quickly. This has been an extraordinarily difficult piece of legislation for me. I want to talk to you a little bit from my heart about why I stand here as sponsor of this legislation and why I urge you to defeat the pending motion of Indefinite Postponement and I want to address a few things.

First, I want to address how I come to this issue as a whole. Secondly, I want to talk to you about the merits of this bill and why I think it does make a difference if we pass this legislation today. Third, I want to talk a little bit about why you should feel good about changing your position even if you stated it today on the floor of the House or somewhere else and feel comfortable supporting this legislation.

First, let me tell you how I came to this bill. I was talking with a few of my colleagues and friends about the existence of a homicide rate in Maine around domestic violence and about gun laws in the State of Maine. They suggested to me that it would be a smart idea to prevent people who have protection from abuse orders against them from getting a concealed weapons permit. I said that clearly that made sense, but wasn't there a bill that went in and addressed some of these things? I asked them to go through the entire process of why this makes a difference. Let me talk to you a little bit about that.

First, this is what LD 2484 does. It makes three basic changes in the law. First, it expands the groups of victims of

domestic violence that are protected under the existing concealed weapons law. Currently, not all offenders are subject to protection from abuse orders or are disqualified from obtaining a concealed weapon permit. If LD 2484 is passed, for the first time in the State of Maine we will be able to say that anyone who is subject to a protection of abuse order will be denied a concealed weapons permit. This is not a technical change. The group of victims we are proposing to expand and protect for the first time are people who are involved in an intimate relationship with the perpetrator, but are not cohabitating with them, a boyfriend, a girlfriend or somebody who doesn't live under the same roof. For the first time in the State of Maine LD 2484 will give people in intimate relationships who aren't cohabitating and say that that group of people shouldn't have access to a concealed weapons permit. I think that that on its own is enough to warrant this change, but there is more. The second change in this bill is to expand the time frame, which a domestic abuser is disqualified from obtaining a concealed weapons permit.

Currently, the disqualification lasts exactly coterminous with the restraining order. Under Maine law most protection orders last one year. Therefore, one year after the judge has found the applicant likely to commit violence, the offender is free then to get a concealed weapons permit. Under this bill, it extends that time period to two years to create an additional cooling off period. As many of you know, the cooling off period is when violence occurs. That is the time we are trying to get after. Number two, it extends the time period to prevent somebody from getting a concealed weapons permit. That is not under existing Maine law. The third thing is it looks at who is making these decisions. Currently, most of you know, your local chief of police goes through a very long application process. You are right. Domestic violence is a consideration in the application process for giving somebody a concealed weapons permit. This is saying that this isn't a matter that is appropriate for discretion. Somebody who is shown in a court to have a tendency for violence, somebody who has shown in court in a civil offense of not being able to control themselves and beating people they claim to love should not be able to have a concealed weapons permit. It shouldn't be a discretionary matter. It shouldn't be discretionary for a judge. It shouldn't be discretionary for a prosecutor. It shouldn't be discretionary for a state chief of police. They use this right now, on occasion. They do it many times. I think something like 27 people lost their concealed weapons permit last year do to domestic violence. What I am saying is that that shouldn't be maybe if, it should be certainly. If you commit an act of domestic violence, if you are found to warrant a protection of abuse order against you, you shouldn't have access to a concealed weapons permit. You shouldn't be sanctioned by the State of Maine to have a concealed weapons permit. What LD 2484 really does is it eliminates the uncertainty and the confusion around this issue. These are real and substantial changes to existing Maine law.

Let me address a few other things that have come up. There is one issue that has been brought up to me by my good friend, Representative Savage, who I greatly respect. His concern to me was not everybody gets a protection from abuse orders and goes through the entire court proceeding. They are in a civil order. They decide they are not going to fight this thing in a court and I don't want to have a findings of fact. Let me tell you two things. Number one, if they want to go through a full court proceeding, every single individual is eligible to do that. If you don't find that to be compelling, then I urge you to reject this

motion and go on to pass one of the six amendments that address issues around this. One of the good amendments, which I can't debate, but is Representative Richardson's, which looks at finding some facts. I urge you to take a look at that amendment. If that is the issue you want to go after and that is the problem you have with this legislation, then reject this motion and go on and adopt that amendment.

The second thing that I hear is every single person, 90 percent, of the people in the State of Maine have a gun in their home. This is a very big deal. Ninety percent of the people in the State of Maine do have a gun in their home. I have been very proud in the past myself to have been endorsed by the National Rifle Association. Let me tell you that this is an incremental step to make people's lives safer. The people of the State of Maine according to a poll that came out last Friday, 90 percent of them agree that people who have shown a tendency to violence should have no access to these guns. The simple fact is that we have an opportunity to take a concealed weapons permit, a license, that we give to somebody away from them if they have been shown to be violent. If they have been shown to beat their wives, their children or their husbands. Yes, there are laws in the State of Maine that give discretion to judges. Yes, there are laws in the State of Maine that give discretion to the chiefs of police. What I am saying is I don't believe it is going far enough. I don't believe there should be a matter of discretion. I believe that people who are able to commit violence against people they claim to love shouldn't have guns. They shouldn't have access to concealed weapons.

I think that this is an important and very small step forward. I don't necessarily think that this is the most important thing we are going to do on domestic violence this year. I have worked long and hard with the Representative from Kennebec who I have joined in cosponsoring many pieces of legislation with and with the Representative from Waterboro. For many of you, this is not a partisan issue. This is an issue about taking a simple step forward and saying that a concealed weapons permit is a license. As a license it is a privilege in the State of Maine. As the State Legislature and as the guiding force of public policy in this state, we should make it very clear that we don't think it is good enough as a matter of discretion that we should close the door by giving access to concealed weapons permits to people who have committed violence against people they claim to love. Thank you.

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

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. In my six years of experience of serving here, I don't think the two previous Legislatures or this have shirked any responsibility dealing with domestic violence. We have been there for victims of crime and victims of domestic violence and I think we have a strong legislative history of accomplishments of passing laws to protect our victims. Everything that the good Representative has just mentioned is true. These things do happen and these things need to happen in order for us to protect people. What is being diminished is the fact that they are happening by judges. Judges do prohibit people from having firearms if they are issued a protection of abuse order and there is violence. You can be issued a protection of abuse order if you make a verbal threat. It has to be done on a case-by-case basis. I cosponsored the bill, but I backed away from it during the hearing. This isn't about domestic violence. It is a cloak. It is about gun control. I resent

people from away trying to use this as an attempt. Listen to what was being said, incremental steps, one small step. It is a broad paintbrush. We heard from the State Police of all the permits that they suspended in the last 10 years, not one permit holder had murdered anybody or shot anybody. Yes, we had 27 people who lost their permits for convictions of domestic violence. Unfortunately, domestic violence cuts across all fabrics of our society, whether you are a permit holder, doctor, lawyer or shoemaker.

A permit is a license. Shall we take away physician's licenses if they are charged with domestic violence because they have access to poison? How about pharmacists? How about plumbers and their plumber wrenches? I applaud the people who bring this legislation forward because there isn't a legislator on that bill that doesn't want to protect our citizens of domestic violence. I look around the room and I see a number of legislators who have been to the forefront fighting to protect our victims of domestic violence, but this doesn't do it. When we enact legislation we want to enact legislation that has teeth to it and it not feel good. We don't need legislation to send messages. The sad part and I hate to have to bring it up, but if an individual is going to be intent, either premeditated or on the spur of the moment, the lack of a permit is not going to stop them from hurting their spouse. This is a piece of paper that does nothing to really protect people of domestic violence. If you want to protect people from domestic violence, we should find a way to break that cycle of financial dependency to help people get back on their feet for a month or two while their breadwinner is in jail. That is what causes people to go back on pressing charges. They have to feed the kids at home. They have to make a choice.

I have worked in domestic violence for almost 30 years. It is kind of ironic I am here because of a domestic violence situation that I tried to intercede and stop. The reality is that this legislation does nothing to seriously help victims of domestic violence.

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 support this Indefinite Postponement of this bill. Representative Povich stated very nicely what this proposal would do. I just want to add a few points to what people are saying. Everyone received a copy of a protection from abuse order on your desk on Friday. If you can find it in all these papers, take note that at the bottom, it doesn't say warning, but it is in bold letters and it tells the person who gets this order taken out on them, which boxes have been checked by the judge that can result in removing their firearms, not just the permits, but all the firearms. The judge has three places on this form that they can check if the judge feels through that hearing that this person poses a danger to the person asking for the protection from abuse order.

The other thing that I think is important to notice on the protection from abuse order and I don't know if you can lay your hands on it, but there is box number 4, which the judge can also check. That reads, without fact or finding of abuse or harassment. That means that there was no finding of abuse and yet that person if box number 4 is checked would be included in this ability to have a concealed weapons permit.

I have always thought that a protection from abuse order was just that. It would protect the victim from abuse. I think in the 10 years since these protection from abuse orders were thought up,

it initially did that. Now, protection from abuse orders are issued for lots and lots of reasons. Sometimes they are issued in divorce cases. If there is a divorce and there are children involved and a protection from abuse order is asked for, the judge actually is required to set up a child support payment. That actually gets child support going long before the divorce is actually settled and is beneficial to the children. That person in that situation would also be included in this and could not have a concealed weapons permit. My point in that is that the judge has and does use the opportunity to check those boxes when the judge feels that the person is a danger. If the person is not a danger, but the protection from abuse order is being issued for the variety of other reasons that it is issued for, that person should not lose their concealed weapons permit because they are not a danger.

Let's let the judges use their discretion and do their job. I hope you will vote to Indefinitely Postpone this bill.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I have a little bit of experience with some of my constituents on protection from abuse orders. I also possess a concealed weapons permit. I think we are missing some of the reasons why someone would have a concealed weapons permit. People do not apply for and receive concealed weapons permits solely for the purpose of being able to possess or carry a firearm so that they can shoot somebody if they have to. That is not why you carry one. I have a concealed weapons permit so that when I am bird hunting I can keep my shotgun behind the seat of my truck. It is concealed. Certainly you don't want to alarm anyone. A lot of times this is why off duty police officers or security people or people who are carrying bonds or couriers will have a concealed weapons permit so that they don't have an open firearm that either gives away their position saying I am carrying a lot of money.

If you have ever filled out an application for a concealed weapons permit it is very, very exhaustive. It is something like 35 pages long the last time I had to do one to renew my own permit. There is quite a bit that goes into it now that never used to go into it before. It includes now, I believe, a weapons safety course that you have to take in order to get one. There is a number of things you have to do. It is very difficult to get a concealed weapons permit. We just don't pass them out on the street corners.

I remember in the 118th Legislature when we passed legislation adding to a judge's authority in issuing a protection from abuse order, the ability to tell someone that you cannot carry a gun while you are under the mantle of a protection from abuse order. A lot of you who were here in the 118th Legislature probably don't remember that because it went under the hammer. We all agree that this is probably something that we wanted to do. We want to protect people in dangerous situations. I agree with that. I agreed with it at the time. However, I think we are operating, if we pass this legislation, that there are certain logical fallacies that is involved here that somehow if someone is so crazed and enraged that they are going to walk out the door and stop at the threshold and say that I don't have a concealed weapons permit, I can't go over there and shoot this person. This particular piece of legislation operates under the presumption that we know where all the guns are. We don't. There is no gun registration. There is no gun licensing. A concealed weapons permit is not a license. If you

go to someone's house and take their guns, there is nothing to keep them from opening up an *Uncle Henry* and buying a whole bunch more guns. There is nothing to stop them from doing that. We don't have registered guns in the State of Maine. It is not really operable. It won't work. There is nothing to keep somebody from doing this if they choose to. I would urge you to support the pending motion. If we have not had a request for the yeas and nays, I would do so.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. My good friend from Old Town makes some interesting points. I just have to look back on last week's wonderful debate that we had about transportation and his humorous stories about when he was a reckless youth and how he would have violated his father's word and he would have violated the law, but that didn't mean the law shouldn't be placed and that we shouldn't do it. The state has a responsibility to make a statement to do what is right. He was right then and that logic is right now. If somebody is going to violate a state law, does that mean we should repeal it? Clearly not. Many people in the State of Maine violate the OUI laws, does that mean we ought to repeal the OUI laws in the State of Maine? Obviously not. Having this law is to create another vehicle, another tool, for a prosecutor or a police officer to apprehend someone who violates their protection orders. What I just ask you to do is think about this before you vote. Is there ever a time in the State of Maine where somebody who has a permanent protection from abuse order against them should have a state sanctioned concealed weapons permit? Think about that question and please vote against the pending motion.

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

Representative COTE: Mr. Speaker, Members of the House. I wasn't about to rise to testify on this bill after my good friend, Representative Saxl of Portland. I have to agree with my fellow colleague from Old Town. I have also a friend of mine who has had a concealed weapons permit. He just went through a terrible, terrible divorce from his ex-wife about a year, year and a half ago. It has been an ongoing thing with him and his ex-wife and more about it with ex-wife. She is taking it to the certain extreme to where they went to court not too long ago. Because he needs his concealed weapon to continue with his work as an animal control officer, he was stripped from his concealed weapons permit. This man is not a violent person. I have known this man for over 25 years. I have never known this man to hurt a single soul. If anything, he loves his children. He would not jeopardize his children's life for any specific reason, especially with his ex-wife. He is at the point where he does not go pick up his children on the weekends for his visitations. He sends his mother and his oldest daughter to go pick up his two boys just so he doesn't have a conflict with his ex-wife. When they went to court just three weeks ago, I know cause I was there, she made him look like he was a very abusive person in court. She brought up the situation about him having a concealed weapon and concealed weapons permit. Even though this man needs his concealed weapons permit instead of giving her a hard time, he let it go. What happens to a person who has a job that requires him to have a concealed weapon as an animal control officer, a warden, forest ranger, sheriff or a police officer? Put all of them in the same category, should they all have their concealed weapons stripped as well as the Representative from

Old Town? Because of this situation he was stripped from his permit and he needs this permit in order to continue on with his work in order to pay for his child support. Because of this, he had to turn his permit over to the clerk because she went and put a protection order against this man who is not abusive to anyone. He would not hurt a soul a day in his life. As I stated before, I have known this man for over 25 years. I urge you to vote against this pending motion and let's continue on. Thank you very much.

Representative ETNIER of Harpswell assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. As I read this Committee Amendment it says in the summary, if a concealed firearms permit holder becomes the subject of a protective order, that person's permit must be revoked. I guess my question is, in the small towns that I have been associated with, the municipal officers issue those concealed weapons permits. How are they going to know if a protective order has been placed on this person so that they could then remove that permit? I just don't see how it will work in a lot of these small towns where the municipal officers are the issuing authority. Thank you.

The SPEAKER PRO TEM: The Representative from Union, Representative Savage 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. To the good Representative from Union, there is no central repository for concealed weapons permits. To answer your question, the person probably would not have that information.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Norbert.

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. I do not expect to change many minds at this stage of the game, but I could not at the moment pass it without lending my voice in opposition to the pending motion in support of the bill of the Majority Leader. I understand this is a difficult vote for many, but it really shouldn't be. I think we should try and be as brave as those victims of domestic violence who are crying out for our help. I think we should get in step with public opinion on the matter and public opinion surveys show recently great public support for these types of steps. Let's keep in mind that the only thing subject to this measure would be concealed firearms and persons subject to protective orders and even that would be only temporarily. I commend the Majority Leader for his leadership. I commend those advocates for victims of domestic violence who were at the public hearing and who have been speaking out and who now ask for our help. This body can be proud of the leadership it has shown on Maine's great problem, substance abuse. When we look at the statistics from this state relating to crime it is staggering that the mixture always seems to be drug and alcohol abuse, which leaves to domestic violence as well. When we look at the murder rate and the rates of violence in this state so often it is attributable to domestic violence. Family members are killing other family

members. This is disproportionately high as compared to other states. This is a necessary component of the solution. We have been doing our part on these other issues, but to look at this, the mixture of domestic violence and concealed firearms and to do nothing, I would say is unacceptable. I think we should try and do our part. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **MACK**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, if someone is the victim of domestic abuse and an attacker is going to come after them, does it really matter if the firearm is concealed or unconcealed?

The SPEAKER PRO TEM: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. In answer to the Representative from Standish's question, yes. Domestic violence, as the Representative from Augusta has discussed with you, is not always about the physical abuse or the immediate danger a person is in. It is about the fear someone lives with every day of their life. I thought the Representative from Augusta has been very brave on this issue and she has spoken out many times and has been a great leader on this issue. What she said today is often she doesn't speak out because of the fear, because of the issue as a whole. The concept of letting a victim know that the perpetrator, the person who commits the violence, could be carrying a concealed weapon mounts that fear. It adds to the fear and the abuse in a relationship. That is exactly the point. Yes, it makes a difference whether they are carrying a concealed weapon or not. It makes a big difference whether the state is saying they can't carry a concealed weapon permit. Can you imagine having a protection from abuse order issued against someone who is beating you and have the state say they can carry a concealed weapon and have that guy say that I have a weapon and I am going to be outside of your work today and I might just kill you. Does it add to the fear? Does it add to the abuse? I think it does and I appreciate the Representative from Standish for making that point clear for me.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I am not going to talk about gun control. We all know that issue pretty well and we know where we stand on it. I am going to ask the question and attempt to answer it from my perspective. What is the purpose of the protection from abuse process? In our laws we have several circumstances, not just protection from abuse proceedings, but others, such as the hate crimes legislation, where we recognize that the criminal process has a lot of burdens in it. It involves a lot of different people with different responsibilities under the Constitution. There is a lot of due process. There is a lot of delay as a result of that due process. We have tried, I think, as a society to come up with ways to help people in the short run when they are in those situations and can't maneuver through the criminal process to

get what they need. By that, I mean, if a person has committed a domestic violence assault in our state or anywhere in this country and they are convicted of that, they can't possess a firearm. It really becomes a mute point.

Before they get that conviction on their record, what happens? It is the same as someone who commits a hate crime against someone. Before they can get convicted in court and be put on probation, what happens? The first thing we want to do as a society is come in with what we call injunctive relief. Relief that tells the victim that we are going to try and protect you. We are going to issue an order telling the perpetrator of the hate crime that they can't do this anymore. They have to stay away from you. We are going to issue an order telling the perpetrator of the domestic violence, remember, I should preface all of these statements with alleged, because that is all it is until someone is convicted. The alleged perpetrator of a domestic violence action, we are going to tell them to stay away. The way that the protection from abuse process is written explicitly allows for the entry of an order without findings of fact. To those of you who have never been involved in that process, there is a good reason for that. There are a couple of good reasons for that. One reason is that before the criminal proceedings are done the individual has an Fifth Amendment right not to incriminate himself or herself. When they go to court in a civil proceeding, such as a protection from abuse proceeding, they have a right not to make any statements about what is alleged to have gone on. By allowing a person to enter into a consent order without findings of fact, that purpose is achieved.

The second reason for such a provision in our law is that we want to encourage people to enter into the order because, as I said before, the most important part of this process is to get the injunctive relief, to have the order that says that this person can't come anywhere near you or whatever it says in the order. Sometimes the orders are quite complex and they deal with issues having to deal with child support, child custody, having to do with all kinds of things that are not just about keeping a person away from someone. My point is that we have already recognized that it is more important to get the injunctive relief than it is to make findings of fact. People who have entered into orders without findings of fact should not be held to anything beyond the four corners of those orders. In other words, it is not fair to say to someone we have a piece of paper here that has no findings of fact in it. All it says is you can't go near the plaintiff and then turn around and use that same piece of paper as though there were findings of fact in it. Even more important than that, every single time there is what I call a collateral affect, an effect outside of that order, it will come to bear on the person the order is against, they have more motivation to fight the order. The reason that we allow for consent orders without findings of fact is we want people to agree to the orders. We want them to go to court and say that this is fine or better yet, we want them not to even go to court. However, when they don't go to court at all, a default is entered against them and a default judgment in our state means that the allegations are deemed to be true. There are people out there who never even fought the order. They said that if she doesn't want to have anything to do with me, that's okay. Let's get on with our lives. They never went to fight the order. There are still findings of fact in those orders because defaults are deemed to be true.

I want to just reiterate that there are several circumstances where conduct that we want to encourage might be discouraged as a result of passing this bill. The conduct where the defendant

says they don't want to fight, let's agree and the conduct where the defendant says that they don't want to fight, I'm not even going to court. Both of those circumstances might not come to pass if we pass a bill that extends the effect of an order beyond what it already is today.

I will just briefly wrap up by telling you the story of a person that I was involved with and I represent people on both the plaintiff and the defendant side in these cases. She wanted an order and I looked at the facts that she had alleged and I said that those facts might not be sufficient under our law to result in your getting an order. They may not meet the legal definition of abuse. We said we could talk to the defendant and the defendant had an attorney and I said that maybe we can work out a consent order where you can have your order and he doesn't have to make any admissions of anything and we never have to put this in front of a judge. If a judge gets a hold of this, he might say that this isn't going to fly. I went to the defendant's attorney and asked if we could reach a consent agreement and the defendant's attorney said we could. My client would like to do that. However, I have spoken to his employer and he has a security clearance and he will lose that security clearance if there is any kind of an order placed against him, whether it is consent or not. The other attorney said to me that his client would like to reach an agreement. My client would like to sign the consent order, but he can't and he is going to have to go to hearing. Of course, we went to hearing and there wasn't a question of who was telling the truth and who is not telling the truth. It was just a plain fact that the facts did not suffice for a finding of abuse. The judge had to dismiss the order. My client walked out of there without the order and this goes directly to something that the good Representative from Portland, Representative Saxl, pointed out to you. These orders do serve a purpose. They do serve a purpose. They provide the holder of the order with a certain amount of security. We all recognize that orders, paper of any kind, such as this, will not stop a bullet, so to speak. It does give the person a reason to call the police when the order is broken. It gives them something to say when they see the defendant walking up the sidewalk towards their house. It gives them a reason to call the police before the person even gets into the house. The importance of that is it prevents the initial contact. We all know that if someone sets out to do harm to someone, they will do it. The contact may ultimately escalate into a new domestic violence situation. There is a great deal of value to these orders. My client felt like there would have been a great deal of value to the order. She wanted that sense of security. She didn't get it because the defendant was compelled to go to a hearing and we lost.

I am not suggesting that we should work our laws around trying to get orders where they aren't valid under law. What I am saying is any consent agreement signed by the judge is valid under law and that one never came to be. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House, I would just like to very briefly make a comment on a few comments that were made by a previous speaker. I believe that I was quoted when we first heard this bill in committee. I believe I was quoted in the paper because at the time I did support the bill. I believe I was quoted as saying that I would feel safer, feel better sleeping at night knowing that an alleged perpetrator did not have a concealed weapons permit. In thinking this through, as has been said, if someone is out to get

someone, it is going to happen with a concealed weapons permit or without a concealed weapons permit. I would like to make a comment on what the good Representative from Portland, Representative Saxl, stated. I certainly do commend all the work that he has done on behalf of domestic abuse. We just happen to differ on this one. He made the comment of someone calling up your workplace and saying I am coming to get you. That is why we have protection from abuse orders. That is harassment. That is threatening and that the reported victim can call and the police can be there in a second and arrest the perpetrator. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. Many of the things that I was going to touch upon, of course, have already been discussed. However, there are a couple of things that I want to address. First of all, I want to say that domestic violence is foremost in the minds of all of us here in the Legislature as well as the Executive and law enforcement around the state. We know that it is a problem and I think we have done much to address the problem and there is still more work to be done. However, as I go about my district and I am sure many of you do too, many of the concerns that people have are that the Legislature, not just this Legislature, but previous Legislatures as well, have created a lot of laws that really don't do a lot other than take up space on the bookshelf. In my opinion, this is another one of those laws. It has been very eloquently stated before. We have laws in place. We have procedures in place to deal with the problems that we have dealing with people with permits to carry handguns, dealing with people that have an aggressive way about themselves and how to deal with them.

I want to touch upon the yellow paper that was handed out recently on the polls. For those of you who may base your vote upon what the polls may say, we all have to be a little skeptical of the wording in many of these polls. I don't think this is any different than those. The way it is worded, I am surprised it is not 100 percent of the people that would favor this based upon that. Who would want somebody who is under a court order to possess a handgun if it is in reference to domestic violence? The way it is worded, I think it is a little misleading. I would hope that you don't base your opinion on that.

I think that having had to deal with domestic violence many times over the years there are certain characteristics that we find when you respond to these types of calls. I think that this legislature and the previous ones before us and there are still more to come have done a good job in dealing with these, but one of the things that we need to deal with that will help domestic abuse is the use of alcohol. Most times there is alcohol involved, if not there are other hard drugs, which are used. There is also another common denominator. That is the lack of education. I think that those things need to be worked upon rather than trying to take away the tools or the instruments of domestic violence. We need to deal with the actual problem where it lies and that is alcohol, drug abuse and education. I would ask you to support the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 522

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Davis, Dugay, Duncan, Dunlap, Duplessie, Fisher, Foster, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Baker, Brennan, Brooks, Chizmar, Cowger, Davidson, Desmond, Dudley, Etnier, Fuller, Green, Jabar, Kane, Mailhot, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, Pieh, Powers, Quint, Richard, Richardson J, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Thompson, Townsend, Tripp, Twomey, Volenik, Watson, Williams, Mr. Speaker.

ABSENT - Bragdon, Daigle, Frechette, Goodwin, Matthews, Rines, Stevens, Usher.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the 240th Anniversary of the Incorporation of Lincoln County. Lincoln County, the 3rd county created in the territory of Maine, was named after Lincoln, England in 1760, 60 years before statehood. We extend our congratulations and best wishes to the good citizens of Lincoln County on this occasion;

(SLS 474)

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. Lincoln County was the most easterly of the counties and it was created June 21, 1760. Many of you are not from Lincoln County and you might be bored, but I just want you to know that its western boundary started the eastern extremity of Casco Bay or Small Point. It followed the shore of Casco Bay to the New Meadows River across the Carrying Place to Merrymeeting Bay and then up the Androscoggin River 30 miles and from fence north two degrees west to the northern limits of the province. Its eastern boundary was the province of Nova Scotia and extended from the sea to the unbounded northern limits of the province of Maine. Your relatives were residents of Lincoln County. I just want you to not forget that. I am very proud of Lincoln County. If you go outside today, it is Lincoln

County Day. You can see the Alpacas, they are not llamas, the baby Nubian goat, the baby spotted sheep, chickens and there are lots of other displays on from craftsmen and store owners around the state. There is a wonderful little postcard collection. If you want to get in on the lobster drawing, go have a cup of coffee, which is where the tickets are. I hope you all enjoy it very much.

PASSED and sent for concurrence.

In Memory of:

Barbara Cooney, of Damariscotta, renowned author and illustrator of more than 100 children's books during her 60-year career, including such favorites as Miss Rumphius and Island Boy. Ms. Cooney's family had deep roots in Maine and she was a regular visitor to Maine during her childhood. She moved to Damariscotta 17 years ago. Her stories, many of which are set in Maine, have been translated into 10 languages and have helped to show the history and culture of Maine to the children of the world. Barbara Cooney was a winner of the National Book Award and twice the winner of the prestigious Caldecott Medal. She was named a Maine State Treasure by Governor Angus King on December 12, 1996, Barbara Cooney Day. Ms. Cooney became a benefactor of the Skidompha Public Library in Damariscotta, enabling the library to plan a new facility. She will be greatly missed by her loving family, her many friends and by the countless readers of her books;

(SLS 457)

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. I am sure all of you have heard of Barbara Cooney and even as adults perhaps enjoyed some of her books as I have. Barbara was a small curt woman around town. You could never mistake her. She had long gray hair with a braid that framed her face. She was always friendly. She was very involved and supportive in civic matters. When it came time to replace an aging and overcrowded library, she tried to make an anonymous donation of half a million dollars to kick off the building of a new library. She couldn't get away with it. We all found out who it was and accoladed her. In addition, she would have an annual auction of children's items, children's artwork items, that came from people all over the world and all over the United States as well that they would donate. We saw lots of people we don't too often see in our neighborhood come to town on those days. It was pretty exciting for all of us. We will miss her a lot. At least as she died the library was beginning to be rebuilt and replaced. I just wanted to offer my condolences to her family. Thank you.

ADOPTED and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, March 31, 2000, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Amend the Franchise Law"

(S.P. 681) (L.D. 1931)

TABLED - March 27, 2000 (Till Later Today) by Representative O'NEAL of Limestone.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-554).

Representative O'NEAL of Limestone **PRESENTED House Amendment "A" (H-990) to Committee Amendment "A" (S-554)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment removes Section C of the Committee Amendment and establishes the Commission to study the most effective method of providing retail rate reimbursement for parts and labor. It basically was brought forward by the Maine Auto Dealers. This was their original bill. There is a problem with constitutionality and this is the way they have decided was best to approach it. I hope you will support the amendment. Thank you.

House Amendment "A" (H-990) to Committee Amendment "A" (S-554) was ADOPTED.

Committee Amendment "A" (S-554) as Amended by House Amendment "A" (H-990) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** later in today's session.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-945) - Committee on CRIMINAL JUSTICE on Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"

(H.P. 1542) (L.D. 2196)

TABLED - March 29, 2000 by Representative COLWELL of Gardiner.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-945) was READ** by the Clerk.

Representative **POVICH** of Ellsworth **PRESENTED House Amendment "A" (H-980) to Committee Amendment "A" (H-945)**, which was **READ** by the Clerk.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This amendment is regarding an "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center." We actually allowed the parties to get together and to make amendments as necessary. We are satisfied that everything is in order here. I have question about what is central Maine, but if it works for them, I guess it works for me. Thank you.

House Amendment "A" (H-980) to Committee Amendment "A" (H-945) was ADOPTED.

Committee Amendment "A" (H-945) as Amended by House Amendment "A" (H-980) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** later in today's session.

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

An Act to Prevent the Spread of Invasive Aquatic Plants
(H.P. 1843) (L.D. 2581)
(C. "A" H-970)

Which was **TABLED** by Representative SAXL of Portland pending **PASSAGE TO BE ENACTED**.

On motion of Representative PERKINS of Penobscot, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-970)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-984)** to **Committee Amendment "A" (H-970)** which was **READ** by the Clerk.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I apologize for not catching this on the second reading. This is in the unanimous committee report and with all respect to the hard work the committee did, we make mistakes occasionally and I believe this is a mistake. I would like to call your attention to the Committee Amendment if you have it on your desk, under enforcement. That is one part that particularly concerns me. If I may read that, in case you don't have it. This is about keeping some bad plants out of the State of Maine. I agree with it. There are about 11 so-called invasive aquatic plants listed in this Committee Amendment. I agree, we have to keep them out of Maine. I am just concerned that perhaps we could get into some problems with our constitutional rights here in trying to enforce this. I think there are better ways to do it.

Let me read this part about enforcement. "A law enforcement officer may detain a vehicle both personal watercraft, boat trailer or other equipment that is on a public road and that has visual evidence of any attached aquatic plant material." Above it says, "transport any aquatic plant or parts thereof." My son and I planted about 50 pounds of wild rice in the pond that we live on last year. Often we would have the gunnysack full of these rice seeds upon the outside of the boat. All this needs is some rewriting. My amendment would just add the word invasive so it would be illegal to transport any invasive aquatic plants. That is one of these 11 bad ones. Under enforcement it would change it from visual evidence of any aquatic plant, it would say reasonable and articulate suspicion that this boater conveyance or trailer has attached invasive aquatic material.

The argument is how would the warden or the police know? You could use that question on the other side of the debate. We can't open up a situation where police can stop a trailer or a boat or a vehicle because it has some aquatic plant hanging under it. There has to be suspicion that a law is being violated. This is a parallel issue to the game warden stop thing. It is interesting that

it came up at about the same time. I hope all the people that understood the game warden issue so well the other day will understand this.

If we pass this the way it is, not only would we be in violation of taking wild rice around and planting it, which our own state does and they encourage it, but just think what this would do for the people enforcing the drug laws. It seems to me that they would be able to stop a vehicle if they saw a bag full of something with leaves sticking out of it in somebody's pickup truck, that could be some plants that we don't want people to have. I think if you take a close look at this, you will see the merit in this. Thank you.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-984)** to **Committee Amendment "A" (H-970)** and later today assigned.

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

An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty
(S.P. 910) (L.D. 2362)
(C. "A" S-579)

Which was **TABLED** by Representative SAXL of Portland pending **PASSAGE TO BE ENACTED**.

On motion of Representative POVICH of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-579)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1002)** to **Committee Amendment "A" (S-579)** which was **READ** by the Clerk.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. We had to back this up because we forgot to put in one line of print in a very important bill, which is "An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty." We changed it to law enforcement officers. This amendment clarifies the death benefits may be paid when the officer dies while in the line of duty.

Representative **ANDREWS** of York **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-1002)** thereto.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-1002) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 523

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks,

Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, 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, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bragdon, Daigle, Frechette, Goodwin, Matthews, Rines, Shorey, Sirois, Stevens, Usher.

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

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly **Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-1002) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-1002) thereto in NON-CONCURRENCE** and sent for concurrence.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass pursuant to Public Law 1997, chapter 648, section 8** on Bill "An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas and to Modify Regulation of Stream Crossings"

(H.P. 1919) (L.D. 2665)

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

PIEH of Bremen
CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
COWGER of Hallowell

Minority Report of the same Committee reporting **Ought to Pass pursuant to Public Law 1997, chapter 648, section 8** on

Bill "An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas"

(H.P. 1920) (L.D. 2666)

Signed:

Representative:

VOLENIK of Brooklin

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought to Pass Report was ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** later in today's session.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1006)** on Bill "An Act to Promote Microbreweries and Wineries"

(H.P. 1835) (L.D. 2571)

Signed:

Senators:

FERGUSON of Oxford
CAREY of Kennebec
DAGGETT of Kennebec

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
MAYO of Bath
O'BRIEN of Lewiston
HEIDRICH of Oxford
MCKENNEY of Cumberland
TUTTLE of Sanford
PERKINS of Penobscot
FISHER of Brewer

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

Signed:

Representative:

GAGNE of Buckfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-1006) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

**CONSENT CALENDAR
First Day**

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

(S.P. 955) (L.D. 2496) Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-617)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-617)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-617)** and later today assigned.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Mendros who wishes to address the House on the record.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. Had I been present earlier today on Item (1-2), LD 2341, I would have voted yea to Recede and Concur. On Item (6-2), LD 2369, I would have voted yea on the Ought Not to Pass motion. One Item (10-14), LD 2374, I would have voted yea for Final Passage.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Duplessie who wishes to address the House on the record.

Representative **DUPLESSIE**: Mr. Speaker, Men and Women of the House. On today's calendar, if I was here, on Item (1-2), I would have voted nay.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, March 31, 2000, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-971) - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Medicaid Reimbursement for Hospice Care

(H.P. 1748) (L.D. 2454)

TABLED - March 30, 2000 (Till Later Today) by Representative **QUINT** of Portland.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

On motion of Representative **KANE** of Saco, the Unanimous **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-971)** was **READ** by the Clerk.

Representative **QUINT** of Portland **PRESENTED** House **Amendment "A" (H-1023)** to **Committee Amendment "A" (H-971)**, which was **READ** by the Clerk.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. This amendment is a correction on the original fiscal note that was attached to this bill. We had to change a couple of things on the bill in order to bring the fiscal note down. It is a technical change.

House Amendment "A" (H-1023) to **Committee Amendment "A" (H-971)** was **ADOPTED**.

Committee Amendment "A" (H-971) as Amended by **House Amendment "A" (H-1023)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, April 4, 2000.

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-581) - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites"

(S.P. 302) (L.D. 873)

TABLED - March 30, 2000 (Till Later Today) by Representative **TUTTLE** of Sanford.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-581)** was **READ** by the Clerk.

Representative **COWGER** of Hallowell **PRESENTED** House **Amendment "A" (H-995)** to **Committee Amendment "A" (S-581)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Colleagues of the House. To be very brief, I have a very unique circumstance in my district. The Togus Veteran's Cemetery is actually physically located in the very small community of Chelsea, not in Augusta as many people do think. Maintaining this very large cemetery at the Togus Facility either today or at some point in the future would be a very huge burden on a small community like Chelsea. The amendment before you merely clarifies that municipalities are not responsible for the maintenance and decoration of veteran's graves on land owned by the federal government as of January 1 of this year. I thank you for your indulgence and support of this clarification. Thank you.

House Amendment "A" (H-995) to **Committee Amendment "A" (S-581)** was **ADOPTED**.

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

Representative **PERKINS** of Penobscot **PRESENTED** House **Amendment "B" (H-1011)** to **Committee Amendment "A" (S-581)**, which was **READ** by the Clerk.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This amendment would just put our money where our hearts are and send the money with this mandate to the towns. I believe this is a good piece of legislation. Just a tiny bit of background in the committee, there were 11 to 1 or 12 to 1, I was the holdout on it. We have a reconsideration of it and I didn't understand the process enough. I understood that we, as a committee, were going to agree to fund it, at least 90 percent. That was my mistake. I voted for it. That is why we got unanimous, otherwise it would have been 12 to 1. I realized I was in error. I didn't understand how it worked. All my amendment does is agree that the state will send 90 percent of the funds for this mandate. I don't know about you people, but I hear more complaints about state mandates. If you tell people that if you get two-thirds majority, they just scratch their head and their eyes glaze over. The people don't want any unfunded

mandates. All my amendment does is say we believe you should honor these gravesites and we are sending 90 percent of the money. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. After reviewing the amendment, I had extensive communications with the Maine Municipal Association about this issue. This law has been on the books for about 40 years. With the pending amendment of about \$18,000, I will not oppose the amendment in the present posture, Mr. Speaker. Therefore, I will be supporting it at this time.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRUE: Mr. Speaker, Men and Women of the House. I do understand what is going on, however, how many in this House knows of towns that can't afford it and have not raised the money during their tax purposes or during their town meetings? If this doesn't get funded, then where does it go from there? That is what worries me.

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I would think that with the 90 percent vote, the mandate provision in here, the other will have a final vote before we get that. I would probably be able to get that information for the good Representative by the time of final enactment.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. Farmington has a very, very large cemetery. The municipalities are mandated to do certain things on Memorial Day. I don't have the specifics, but they are mandated to do certain things. The municipalities understand the importance of honoring the nation's wartime veterans on Memorial Day. At the same time, the Maine Municipal Association believes that local decision making is completely adequate to the task of determining whether the single flagpole alternative that the Legislature created over a decade ago is an appropriate level of effort for the community. When the Legislature creates an alternative to relax a mandate and dozens of municipalities follow that alternative at some expense, it seems as though it is not too much to ask the Legislature to show some financial commitment to the underlying effort, if it elects, 11 years later to change its mind and repeal the alternative. This seems like adding on this fiscal note would be a good thing. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. While I was caught somewhat off guard by the switch in position of good chairman from Sanford, I suspect that I will follow his lead. However, I would clarify something that was just said by the Representative from Farmington. There was a change in the statute in 1987 from mandating that each veteran's grave have a single flag placed on it at Memorial Day to allowing municipalities, if they so desired, to have a single flag on a flagpole. The problem with that particular exception of allowing

that is that there is something called flag etiquette. That flag etiquette indicates that that flag that is flying on that single flagpole be removed each evening at dusk or it be lit, one or the other. In most, if not all cemeteries that we know of and there was a taskforce that met, I believe, three times this summer up in Livermore. It became obvious that this particular piece of flag etiquette was not being followed in any municipality that any of us knew of. Therefore, that was the reason for the change back to the pre-1987 statute. The appropriation that is going to be required to see this particular piece of legislation go forward, I hope will not be its demise. A lot of work went into what you have in front of you. It has the unanimous support of all of the veteran's organizations in the state. At one point, it had the unanimous support of the Legal and Veterans Affairs Committee. Thank you.

House Amendment "B" (H-1011) to Committee Amendment "A" (S-581) was ADOPTED.

Committee Amendment "A" (H- S-581) as Amended by House Amendment "A" (H-995) and House Amendment "B" (H-1011) thereto was ADOPTED.

The Bill was assigned for SECOND READING Tuesday, April 4, 2000.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House. You may recognize a few of these names that you just read off as honorary pages. The Holbrook School in the last few months have been well versed in champions. Today, a certain number of these members who have appeared before us as the state champs in chess, the Boy Scouts last week and now seven members of the Holbrook School System have just recently won the state meet in Destination Imagination. Destination Imagination to most of us used to be OM. These students were asked to create a solution for a problem. In their case, their charge was to create a fruit roller coaster, which essentially passed many tennis balls through a course and terminated at a destination. Many of them worked on gravity. This particular group worked on a pressurized system, which put together PVC pipe, duct tape and pushed 15 balls through this maze at a rate of all 15 in 3.2 seconds. They are now, after working through these problems, have an opportunity to go to Iowa and compete in the worlds. So, I would like to boast on behalf of the citizens of Holden and the Holbrook School System the champions in the state meet of Destination Imagination. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien who wishes to address the House on the record.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I would also like to congratulate the Holbrook Team. I was there this weekend in Orono with my son. He participated in the Elementary Division of a whole other thing, Improvisational Pudding. It is an amazing thing. I would encourage all members of the House to look. I tried to recognize school systems, but there were 97 teams, I believe, there. There were many, many first, second and third place winners. I would encourage you to look at them. They have them in divisions of

elementary, middle school and high school to see if your team competed and was an award winner. It is an amazing thing that they do. I congratulate this team. I found out that my 10 year old son is extremely versatile, quick witted and carries the team. I also found out because I had him on camcorder when they announced the winners that they didn't win. I found out he is a very poor loser. Thank you.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 404) (L.D. 546) Bill "An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1016)**

(H.P. 1420) (L.D. 2027) Bill "An Act to Enable the Formation of Public Charter Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**

(H.P. 1860) (L.D. 2595) Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1013)**

(H.P. 1885) (L.D. 2624) Bill "An Act to Increase Choice in the Designation of Public Safety Answering Points in the E-9-1-1 System" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1012)**

(H.P. 1906) (L.D. 2651) Resolve, to Establish the Commission to Study Domestic Violence (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1017)**

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

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-996) - Minority (3) Ought Not to Pass - Committee on TRANSPORTATION on Bill "An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License" (H.P. 1869) (L.D. 2605)

Which was **TABLED** by Representative JABAR of Waterville pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to just briefly outline why I favor the **Ought Not to Pass** report in this particular bill. I would like to explain from the beginning what we are talking about here

because there is some confusion. The federal government has recently repealed in a provision whereby your social security number was going to be on your license. This bill does not involve that. It does not involve your social security number on your license. What we are talking about here is your social security number being put on your application for your license. It is not something that is published. It is something that is kept within the files of the Secretary of State's Office along with other applications for other licenses such as professional licenses that are also used by support enforcement. DHS is definitely opposed to this because this social security number is very vital to part of their enforcement process from collecting from deadbeats who don't pay child support.

The federal government requires as part of the federal law regarding welfare to work provision that we do this and have a plan to help support and collect these payments that are made out to children. Secondly, besides the federal requirement, it works. DHS explains to us how this support enforcement and the use of the social security number works in collecting payments, including deadbeats who leave the State of Maine. In cooperation with other states we have a very effective procedure in Maine. We collect a great deal of money from these deadbeats. That is why I am opposed to giving this up.

It really comes down to balancing the privacy issue with this enforcement issue and trying to collect money from people who don't pay for their children. When you balance these two, I think you have to come out in favor of continuing the effective enforcement process we have to collect money from people who should be paying. Thereby, I urge you to support the Minority **Ought Not to Pass** Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you not to accept the Minority **Ought Not to Pass** Report. I put this bill in because I have a problem with privacy. There are a lot of your constituents along with my constituents out there that have the same problem. I would like to get back to the privacy issue. Last year when we memorialized Congress to ask them to get back to the basics of social security. That was to give out when you were hired so that your employer could take your money out for your social security retirement fund. What we have here now is a chance to give the people of the State of Maine some of their privacy back. The Department of Human Services claims that they have to have this as an enforcement tool. Well, they actually have seven months or approximately seven months to come up with a new numerical system before this actually takes places in October. They do say that the state had collected approximately \$86 million last year. Sixty million dollars of that was sent back to the families where it was supposed to go. Seventeen million dollars of this \$86 million went back to the federal government and the State of Maine kept \$9 million. I think that is a wash to say we are losing money. The whole thing is people have a tendency to want to have their privacy. When you give your social security number, I don't care how private your company is of keeping the records and that people are not going to be able to get into those records. If we have hackers that can get into the Pentagon and Wall Street stuff, what is to say that they are not going to get into the Department of Human Services and the Secretary of State's computers and get this information? There are people out there that have their social security numbers actually lifted or stolen and had to hire attorneys to straighten out the situation because

they were in a position to have their credit rating ruined. All this does is say that we, the people of the state, are tired of our privacy being intruded on. The Department of Human Services has plenty of time to come up with another numerical thing. I hope you will vote against the pending motion. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** 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 Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. We should know that before we vote on this what the financial implications are. This is a federal requirement that applies to all states. It is attached to the welfare to work legislation. It represents a potential loss of \$17 to \$22 million in federal funds that our taxpayers would otherwise have to compensate for in order to retain the integrity of the program. Secondly, it does not jeopardize privacy. The listing of the social security number on the application is private and it is confidential. It does not appear on the license. There is no immediate jeopardy to the loss of privacy. Third, in addition to the loss of federal funds to make welfare work, I don't like the idea of taxpayers having to pick up the tab for deadbeat dads and that is exactly what would happen. The tracking of applications for licenses is one of the most effective ways of identifying the location of deadbeat dads who have taken off from Maine and gone to other states. When they apply for a license in another state, Maine has access to their social security number as Maine would have access to social security numbers for an out-of-state deadbeat dad that escapes into Maine. I urge you for both the sake of our taxpayers and good accountability that we support the Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. If the information on the application form for a driver's license is confidential, how does the deadbeat dad program get the information then?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. They receive it only through court order.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to make a comment on what the good Representative Kane said about this stuff being kept confidential and private. You have to understand that when you give out your number, you have given up your privacy. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I wanted to know from any member of the Transportation Committee whether anyone testified in front of them saying that there had been a breakdown in the system and their social security number had been released to the public or to anyone?

The SPEAKER: The Representative from Naples, Representative Thompson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. No there was no one before our committee that testified to that.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I would like to answer that question also. I sat in there and observed because a family from my district has been writing to me for months about this. They were all there, the father, mother and the son. They are very concerned about this. The fellow testified that, I believe, his brother or somebody in his immediate family had had his social security number taken. Somebody had changed their identity and ran up all sorts of bills in his name. That is the concern here. I guess everybody realizes that. It does happen. We need to get the money from the deadbeat dads, there is no question. May I pose a question through the chair? Years ago it used to say right on the card that it was not to be used for identification. Can somebody tell me if that has changed? Was that something that was changed at the federal level? Does anybody know anything about that? Thank you.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. Having served four years on the Judiciary Committee, I believe this is an interesting confluence of two problems. One, the privacy issue, which is more recently in front of us and also the need to make or provide for the children in the State of Maine whose father is not around to properly provide for them. Again, from the perspective of the Judiciary Committee, what we have currently in the state and now throughout the nation starting in 1994 is a very draconian program. I wish we didn't have to have this program. The problem is the choice is either we are going to pay for these children through our taxes or we are going to get the people who created these children to pay for them. That is the issue. In Maine we have a very successful program. It will produce almost \$90 million this year to pay for the cost of raising children in Maine. The choice today is, are we are going to deal with the privacy issue, a relatively new issue that is developing or are we going to continue and go with the program that is properly working as draconian as it is? I sponsored a couple of the bills that provide for the removal of licenses. In fact, if you look at it closely, we have given this department almost as much power if not more than the IRS has. This is how serious this problem is. Don't mix this issue up with privacy. If you pass this bill, you are going to undo a program that is working properly and the choice you have is to use your tax dollars to pay for raising these children. There is going to be a serious shortfall. I have here a March 28 letter from the regional office of the federal department

of Health and Human Services. There should be no doubt in your mind that it is going to be costly for us if we abandon this system. For federal fiscal year 1999, Maine received approximately \$11 million in Title 4D funding for the administration of its child support program, as well as approximately \$5 million in Title 4D performance related child support incentives. Furthermore it goes on to talk about the Social Security Act. A state failing to comply with the requirements of Title 4D of the act could also lose a portion, somewhere between 1 percent and 5 percent of its federal funding under TANA. The total loss to the State of Maine is going to be about \$20 million. That is your choice. Privacy is an issue. We are going to have to deal with that either now or in the future. This is not the proposal that we should accept. It is going to undo a program that is working. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

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

The SPEAKER: The Representative may pose his question.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. Is there any other program that DHS could use for this purpose rather than piggybacking on the driver's licenses?

The SPEAKER: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. The problem is not that we could not devise a special program, the problem is that the federal government requires that we have access through the application process to a social security number. It is not just driver's licenses. It is almost every license you can imagine. Part of this program requires or provides the removal of any license. I can tell you from having monitored this for a number of years, that while the department actually threatens to remove professional licenses, they don't actually have to do very many. This really gets people's attention. Thank you.

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. First I would like to make a request that we stop calling this the deadbeat dad program. It is the deadbeat parent program. It is not always dads. I think it is inappropriate to call it that.

To get back to the issue at hand, in today's electronic communication system, I don't know how anybody could stand here on the floor with a straight face and say that this system is private. We have heard many stories in the national news about hackers being able to get into systems. Did somebody come before us and say this has happened to me and my life has been ruined? No, but they did relate another issue and a family friend or relative. I apologize that I can't remember which. This did happen. Just because any of us in this room have not experienced a negative side of having their social security number stolen doesn't mean it hasn't happened. They may have our number today, ladies and gentlemen, every one of us in this room waiting for the proper opportunity to use it. It is really unfortunate that this is happening because this deadbeat parent program is one of the best things that has ever happened. As the good gentleman said, it is draconian. It is. I don't like it and I know a lot of the rest of you don't like it, but it works.

As far as the money to the feds, as I sat and listened to the testimony, I am no math professor, but it sounded to me like we collect \$90 million, send them \$30 million and we keep \$60 million and they send us back \$20 million. I don't understand how we are the winner in that scenario. I would rather keep collecting \$90 million and keep the \$90 million and give the \$90 million to the children of Maine that need it, not the \$60 million. What is happening now is \$60 million out of the \$90 million is going to the children and \$30 million is going to the feds. We don't have time to discuss the entire program.

As far as the state's departments, the Secretary of State's Office came and testified in favor of this bill. We all know this is a good Secretary of State. He is an honorable man and he runs an honorable department. I submit to you that he would not have testified in favor of this bill if he thought there was the slightest chance that the children of the State of Maine would be impacted. I cannot accept that there is not another way to put together a program to make the deadbeat parent system work without submitting people to the risk of losing their privacy through the social security number.

As far as DHS, they didn't even show up for the work session. That does not project to me a high level of concern. We had some questions. We had to call them and ask them to come. If it was this horrible thing, the sky was going to fall if we did this, it would seem to me that they would have been all over us like a new suit. They weren't there. I think that it is worth passing this bill and rejecting the pending motion. Thank you very much.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I have been listening to the Representative from Rumford and there are a couple of things that I do want to make sure we don't miss in this discussion. I have been involved a lot over the years with absentee parents and in particular deadbeat dads.

First, if there is no AFDC, the state does not keep any money. The entire amount that is collected is returned to the mother. If there is AFDC involved or Medicaid, then a portion of that is kept to repay the state and the federal government for that amount. I would love to debate the pass through because that was one of the issues that this Legislature dealt with, unfortunately, in 1991, when we had someone in the Executive Office that wanted to keep all of the pass through and none to be returned to mothers. I also want to point out that I am not sure and I don't know whether the system that we can create in order to get to the persons who do pay their bills to the children that they have fathered. It seemed to me that I don't want to lose a tool in the meantime. That is my problem. If you do that in this state, other states, of course, as I pointed out in the caucus, we may be the only state in the United States where this is not allowed, so it may be a perfect place for the deadbeat fathers to move into because they wouldn't be traced. It reminds me a little bit of the pre-constitutional days when you didn't have to pay your bill so you simply moved to another state and the fathers of the Constitution decided to put a little provision in there to prevent that from happening. That, of course, is now part of the US Constitution today.

I sort of wonder which way we want to go. I absolutely agree and I don't give out my social security number on the phone. As a matter of fact, the University of Maine System uses a method that if a student doesn't want to use their social security number

for record keeping purposes, they can create their own number, which then can be used. That is what the university does in order to try to deal with the question of social security. I have a real concern about doing away with something that we are using in this state. I guess this vote is from a very simple point of view today, whether or not you are for the deadbeat fathers or whether or not you want to help them not pay their bills to the state and society.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I am a cosponsor of this bill. I have constituents who have elected not to get social security numbers for their children until the children are old enough to decide when they are going to go to work and then they will seek and get their own. There are some students who go through all of the driver education programs and are denied a permit because they don't have a social security number to put on their application. As far as identifying people by their driver's license, if we are going to use that method, every single driver's license has a separate and distinct number on it. No two numbers on the driver's licenses are the same. That number would certainly be adaptable to use for identification purposes.

I think that we have to remember that there have been court decisions, which said that no one may be denied a benefit or a privilege for refusing to give their social security number. I think that we have to consider that it is very important that we go back to the original social security law that says that this number shall not be used as an identification number. In fact, my original social security card had that stamped right on it. I think that probably there are a few others in here that are old enough to have that on their original cards too. I urge you to defeat the pending motion and to on and accept this bill. Thank you very much.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. The system we have involving social security numbers has worked well. I respect the opinion of everyone who has said that they want their privacy to be secured. However, let's not kick this system out until we have a well thought out substitute plan ready to go. Otherwise, we end up in a blind alley. That is not very smart government in my opinion. Thank you.

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

Representative MAILHOT: Mr. Speaker, Men and Women of the House. I guess I stand here this afternoon neither for nor against this bill. The only thing is I want to bring up something. I don't really fault this program. I think it is a good program. I don't really want to lose the income that this brings to the families, either from the federal funding or either from the parent that is at fault. I do have a slight problem if somebody could clear it up in my mind before I have to vote for his. It was mentioned in this House that the only way that DHS could get a social security number would be through a court order. I believe that is the law, but I don't really believe that is what would be happening all of the time. There would be some spouses that would be handing over the number to the authorities so that they would go after another spouse. There would be many other ways that people would go around this law. That is sort of

bothers me. If somebody could answer that, it would help me very much.

The SPEAKER: The Representative from Lewiston, Representative Mailhot has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. I hope I will be able to answer your question. I am not sure what the social security law is. I am speaking from being a private detective and also being a police officer. Whether we know it or not, we are a wash in social security numbers. I won't go into them, but there are at least 20 sources of public documents that have been opened to the public in Maine that you can get a legitimate social security number off from. Go to your town hall and get a marriage certificate. You can't get a marriage certificate unless you list your social security number. That is a public document. Go on the Internet. There are thousands of sites where you can dial up, give them your credit card number and for \$12 they will give you the person's social security number as long as you know their name and address. Is there abuse? Yes. When I worked for a licensed investigator, I would never turn a social security number over to a client. I needed social security numbers then for lawyers to find people who had skipped out. When you run the number in another database, it comes back with their address because every time you rent an apartment or open up a bank account, that is run and their address is listed. I think our numbers should be secure. I think our numbers should be safe, but the reality is what is right, what is wrong and what is real. The reality is the numbers are out there like street signs and available to almost anybody. Because of that fact, it doesn't make sense for me to scrap this program because this program is already working. DHS, I have worked with them in helping them find people on a pro bono situation, they can get social security numbers without a court order. We are a washed in these numbers. Maybe our little tiny step of trying to prevent that might mean something, but it really doesn't amount to a hill of beans because they are out there and they are so, so accessible. I hope I have been able to answer the good Representative's question.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. This is a rule that the State of Maine needs to adhere to in regards to the social security numbers. Years ago, I believe it was 1937, Representative True can correct me if I am wrong, there was really no way to help women and children that had no means of support and so the Social Security Act brought in some money to help them. Over the years the federal government has made a number of changes. In regards to what people living in states need to do to continue to have that money come into the AFDC Program. We know that there has been a lot of people who have gotten help from the AFDC Program. One of the requirements is now that whoever is the absent parent and if there is a court order for support, they can enforce that order. The person does not have to be on welfare for the Department of Human Services to help them collect the support money. You can only collect support once you get the person who is identified in some manner. What social security has said is that states have to implement procedures requiring the social security number of any applicant for a professional drivers, occupation, recreational or marriage

license be recorded on the application. That is because you have to get the person where they are at. If the person doesn't have a car, they are going to walk and use the bus and you might never get any support from them although it is ordered. If they, in effect, are using their vehicle, if they have a profession and are not paying their child support, then they can be traced. In the '70s and '80s there was no way an out-of-state person had to worry. They just had to leave Maine and they couldn't be found because there wasn't an agreement, but now there is. States have to, in fact, comply with this and whether they are in Massachusetts, Kentucky, Colorado or whatever, they can be located and that money will be sent back to the parents here in the State of Maine who may not be on welfare. Over 50 percent of the collections are from people who are not on the welfare system. When people say, why do I have to do this? It is my privacy? Look, if you don't owe money and you are privately funded by whomever, I help my son out, don't worry about the social security number. We are talking about a specific group of people. For the rest of us over the years, goodness knows, I have used my social security number since that year. Consequently, let us not get rid of a system that is working. We are getting back \$4 from the federal government for every \$1 that goes out of the State of Maine for things. We can be as cute as we want or as smart as we want. If by October of the year 2000 we don't apply for this, we can be as poor as we want. Thank you ladies and gentlemen.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 524

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Chizmar, Cianchette, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Goodwin, Green, Hatch, Heidrich, Jabar, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Peh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Mr. Speaker.

NAY - Ahearne, Belanger, Berry DP, Buck, Bumps, Cameron, Campbell, Carr, Chick, Clark, Clough, Collins, Davis, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Gooley, Honey, Jacobs, Jodrey, Joy, Kasprzak, Labrecque, MacDougall, Mack, McNeil, Mendros, Murphy E, O'Neal, Perkins, Pinkham, Rines, Rosen, Sanborn, Savage C, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bragdon, Daigle, Frechette, Matthews, Perry, Wheeler GJ.

Yes, 95; No, 50; Absent, 6; Excused, 0.

95 having voted in the affirmative and 50 voted in the negative, with 6 being absent, and accordingly the Minority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-1014) on Bill "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections"

(I.B. 6) (L.D. 2602)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville

GREEN of Monmouth

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

LEMONT of Kittery

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

DAVIDSON of Brunswick

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "B" (H-1015) on same Bill.

Signed:

Senators:

MILLS of Somerset

DAGGETT of Kennebec

READ.

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

Representative GERRY of Auburn REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

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

ROLL CALL NO. 525

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, 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, Peavey, Perkins, Peh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson,

Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Brennan, Bull, Dunlap, Goodwin, Twomey, Volenik.

ABSENT - Bragdon, Daigle, Frechette, Perry, Pinkham.

Yes, 140; No, 6; Absent, 5; Excused, 0.

140 having voted in the affirmative and 6 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-1014) 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-1014) and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 31, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Promote Safe Mobility for Maine's Aging Population through Education and Community-based, Economically Sustainable Alternative Transportation"

(H.P. 1796) (L.D. 2521)

(C. "A" H-933)

TABLED - March 31, 2000 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative WATERHOUSE of Bridgton, the rules were SUSPENDED for the purpose of RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "A" (H-933) was ADOPTED.

The same Representative presented House Amendment "A" (H-1008) to Committee Amendment "A" (H-933) which was READ by the Clerk.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. First, I want to express my thanks to the two corners, the House Majority and Minority Leaders and to the Speaker for allowing me to get this amendment on the floor. As you will remember the other day when I tried to, there was a conflict with my amendment and the good House Chair from Transportation stopped me in my progress and for a minute I thought it was because of the bad lawyer jokes that I gave him.

We heard from the testimony on this bill last week that the minority members of the committee felt as though this was overlaying existing programs. What my amendment does, if you read the summary is, it strikes all the Committee Amendment except for the appropriations section and replaces it with an appropriation section to provide additional funds for existing senior transportation programs. What this does is it directs those

funds that are in the Committee Amendment to the existing programs. It is \$450,000. I hope that you will support this amendment. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. First, I want to thank the good gentleman for bringing this amendment forward because it addresses the very concerns that I have. Those of us who live in rural areas have many CAP agencies who are trying to run transportation systems for our elderly and they are sorely short of cash and in my mind this transfer of money to that purpose makes much more sense than creating dueling systems for which neither of them will be able to survive. Once again, I thank the gentleman and I hope you will support this amendment.

Representative JABAR of Waterville moved that House Amendment "A" (H-1008) to Committee Amendment "A" (H-933) be INDEFINITELY POSTPONED.

The same Representative REQUESTED a roll call on his motion to INDEFINITELY POSTPONE House Amendment "A" (H-1008) to Committee Amendment "A" (H-933).

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 Waterville, Representative Jabar.

Representative JABAR: Mr. Speaker, Ladies and Gentlemen of the House. I oppose this amendment because it takes out of the bill other sections that are really important to the bill. What it does is it strikes the program, the educational component part of the program to educate our seniors as to why they should be giving up their licenses and to be providing them with an alternative. Due to the statistics that show that our accident rate among our elders are very high in the state and this educational component was a very important part of this bill. Secondly, rather than just focus on the programs that are in existence, it is an incentive to create other programs in other parts of the state that don't have this sort of transportation system. Thirdly, there is also a provision that is being struck in the original bill that provides for a study to report back to the next Legislature as to what is going on in this area of our elder's driving and transportation needs. The report containing findings and recommendations are to be submitted to the Legislature by December 15 in the year 2000. Also, this amendment is striking at provisions, which provides funds and transportation for seniors with priority health care service needs. There is a part of this bill that is geared to address seniors who have health care problems. All of these are good parts of the bill that this amendment is taking out. This amendment is just appropriating \$450,000 for existing programs. It takes away from the innovations presented to us in the original bill. I ask you to Indefinitely Postpone so that these other components of the problems, the education, the health care problems, the study, can all be passed along with this money to help these programs. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I want to address a number of the issues the good Representative from the Transportation Committee just addressed, except for one and that is the education component. I think that education component is a function of the family unit. My father-in-law is presently 81 years

old. He has dementia and the family is educating him as far as his driving and telling him he shouldn't be driving and taking care of that themselves. I don't think we need another bureaucracy educating seniors that they shouldn't be driving. I think that is up to community and the families. I hope that you will not indefinitely postpone this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1008) to Committee Amendment "A" (H-933). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 526

YEA - Ahearne, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Campbell, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Carr, Chick, Cianchette, Clough, Collins, Cross, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rines, Rosen, Sanborn, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Bragdon, Daigle, Frechette, Perry.

Yes, 77; No, 70; Absent, 4; Excused, 0.

77 having voted in the affirmative and 70 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-1008) to Committee Amendment "A" (H-933) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-933) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-933)** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1010)** on Bill "An Act to Allow Registration of Low-speed Vehicles"

(H.P. 1904) (L.D. 2649)

Signed:

Senators:

O'GARA of Cumberland
CASSIDY of Washington
PARADIS of Aroostook

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Bridgewater

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

Signed:

Representatives:

LINDAHL of Northport
WHEELER of Eliot

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-1010)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, April 4, 2000.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-534)** on Bill "An Act to Increase the Minimum Wage in Maine"

(S.P. 425) (L.D. 1262)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
MATTHEWS of Winslow
SAMSON of Jay

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

Signed:

Representatives:

TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

READ.

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

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL:** Mr. Speaker, Ladies and Gentlemen of the House. LD 1262 is a carryover bill from last year along with another minimum wage bill that is on your Unfinished Business Calendar today, Item 8. The minimum wage is being addressed in Washington right now. There is a bill that has passed the House. It is in the Senate. I don't think it has passed the Senate yet. The federal version would raise

minimum wage by \$1 an hour over a three-year period. The bill that we are looking at here today would do essentially the same thing. It would raise it \$1.10 an hour over a two-year period. It puts us out of step with the federal minimum wage, which is my concern. Maine's economy is very fragile and has been throughout my memory and I am sure that many of you in this House have a longer memory than I do. If we raise our minimum wage above the federal minimum wage, it is going to put Maine at an unfair competitive advantage to the other states in the county. It will be a disincentive for businesses to relocate to Maine or Maine businesses to expand. I am afraid if we pass the \$1 increase or \$1.10 increase in the minimum wage, that if we do have a downturn in our economy, then the first people to go are going to be those people that are earning the higher minimum wage. Mr. Speaker, I request a roll call.

Representative TREADWELL of Carmel **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 Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. In regards to the feds raising the minimum wage, I would like to see it done a little faster. I think we have waited long enough. As far as us being out of compliance with the federal minimum wage, there are several states already that have a higher minimum wage and three of them happen to be New England states.

Maine wages were higher than the federal minimum wage in 1961, 1963, 1965 and from 1985 to 1990 we did increases in the minimum wage in all those years, so being out of compliance with the federal minimum wage is really not a good argument for not passing this minimum wage bill. Yes, we would be 10 cents higher. The only reason for that is so that it would equal out to \$6.25 when the final two-year installment is done. I don't know of any business in the State of Maine currently that is running that has not enjoyed some prosperity in the last three or four years. It is almost time that we gave the workers of this state a little boost in the minimum wage.

How many workers are we considering? I have seen figures from 7,000 to 40,000. There is an argument over who those minimum wage workers are? We know that some of them are teenagers, but the vast majority of them are 20 and older and many of them are women. The time is now. This is a good bill. Yes, it is a carryover. That doesn't make it any less a bill. Yes, we do have another one on our calendar, which is a referendum. I want you to know that if I had my rathers that I would raise this once and for all and do it and include a CPI, but that is the other bill. This is the bill we are dealing with today. It is two increases in the minimum wage. One is to \$5.75 September 1 and then another 50 cents the following September. I don't think this is too little to ask for the people of the State of Maine or the businesses of the State of Maine. As far as our kids, yes, we do need a minimum wage increase, not just for them, but for all the workers who are striving to get ahead. I thank you very much.

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. 527

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mendros, Mitchell, Norbert, O'Brien LL, O'Neil, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bragdon, Daigle, Frechette, Muse, O'Neal, Perry, Pieh, Williams.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-534)** was **READ** by the Clerk.

Senate Amendment "A" (S-620) to **Committee Amendment "A" (S-534)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-534) as **Amended by Senate Amendment "A" (S-620)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, April 4, 2000.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Amend the Franchise Law"

(S.P. 681) (L.D. 1931)

(H. "A" H-990 to C. "A" S-554)

Bill "An Act to Exempt a Portion of Private Pensions from Income Taxation"

(S.P. 1049) (L.D. 2641)

(S. "A" S-619)

House

Bill "An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas and to Modify Regulation of Stream Crossings"

(H.P. 1919) (L.D. 2665)

House As Amended

Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"

(H.P. 1542) (L.D. 2196)

(H. "A" H-980 to C. "A" H-945)

Bill "An Act to Promote Microbreweries and Wineries"

(H.P. 1835) (L.D. 2571)

(C. "A" H-1006)

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

Bill "An Act to Permit the Attorney General, a Deputy Attorney General or a District Attorney to Request Records of Internet Service Providers and Mobile Telecommunications Service Providers" (EMERGENCY)

(H.P. 1730) (L.D. 2436)
(C. "A" H-982)

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

On motion of Representative CAMERON of Rumford, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-982)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1026)** to **Committee Amendment "A" (H-982)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-982) as Amended by House Amendment "A" (H-1026) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-982) as Amended by House Amendment "A" (H-1026)** thereto and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Preserve Live Harness Racing in the State"

(H.P. 1214) (L.D. 1743)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913)** in the House on March 28, 2000.

Came from the Senate with the Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative TUTTLE of Sanford moved that the House **ADHERE**.

Representative CHIZMAR of Lisbon moved that the House **RECEDE AND CONCUR**.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. We had a vote on this previously and I hope that we would stick with the vote that we had previous. As you are aware, the Harness Racing Industry is going through some difficult times. As we have heard before, it is not only losing money, on wages, but also on other areas such as food and beverage. The industry supports the tele-betting idea as I mentioned before, I think it is a business decision. We presently

have Maine businesses that are losing money. It is my hope that we would stick with the previous vote and that is why I would encourage you to vote against the pending motion.

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

ROLL CALL NO. 528

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bowles, Brennan, Bryant, Buck, Bull, Chick, Chizmar, Collins, Davis, Dudley, Duplessie, Etnier, Fisher, Foster, Green, Honey, Jodrey, Joy, Kasprzak, LaVerdiere, Lemoine, Lindahl, MacDougall, Martin, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Nass, O'Brien JA, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Quint, Richardson E, Samsom, Sanborn, Skoglund, Snowe-Mello, Stedman, Stevens, Sullivan, Tobin D, Townsend, Tracy, Trahan, Treadwell, Tripp, Usher, Volenik, Watson, Weston, Winsor.

NAY - Berry RL, Bolduc, Bouffard, Brooks, Bruno, Bumps, Cameron, Campbell, Carr, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dugay, Duncan, Dunlap, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Jabar, Jacobs, Jones, Kane, Kneeland, Labrecque, Lemont, Lovett, Mack, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McKenney, Mendros, Murphy E, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Pinkham, Richard, Richardson J, Rines, Rosen, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Stanley, Stanwood, Tessier, Thompson, Tobin J, True, Tuttle, Twomey, Waterhouse, Wheeler GJ, Mr. Speaker.

ABSENT - Bragdon, Daigle, Frechette, Goodwin, Muse, Perry, Wheeler EM, Williams.

Yes, 63; No, 80; Absent, 8; Excused, 0.

63 having voted in the affirmative and 80 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

CONSENT CALENDAR

First Day

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

(S.P. 111) (L.D. 308) Bill "An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-621)**

(S.P. 892) (L.D. 2311) Bill "An Act to Authorize School Administrative Units to Utilize Alternative Delivery Methods for a Limited Range and Number of School Construction Projects" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-623)**

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Representative JABAR from the Committee on **TRANSPORTATION** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Transportation Relating to the Review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act"

(H.P. 1921) (L.D. 2667)

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

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 1866)

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Lifetime Hunting and Fishing Licenses" (EMERGENCY)

(H.P. 1924) (L.D. 2670)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1866).

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 1851)

Representative GAGNON from the Committee on **TAXATION** on Bill "An Act to Implement the Tax Policy Recommendations of the Task Force Created to Review Smart Growth Patterns of Development"

(H.P. 1923) (L.D. 2669)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1851).

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 1821)

Representative DAVIDSON from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create a Heating Oil Emergency Management Program"

(H.P. 1922) (L.D. 2668)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1821).

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** and sent for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received, and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent for concurrence:

CRIMINAL JUSTICE

Bill "An Act to Amend the Unlawful Sexual Contact Penalties"

(H.P. 1926) (L.D. 2672)

Presented by Representative LEMONT of Kittery.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: CAMERON of Rumford, DUNLAP of Old Town, McALEVEY of Waterboro, MENDROS of Lewiston, MURPHY of Berwick, SCHNEIDER of Durham, USHER of Westbrook, WHEELER of Eliot.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative POVICH from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Implement the Recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims" (EMERGENCY)

(H.P. 1927) (L.D. 2673)

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding Retainage on Major State and School Construction Projects"

(S.P. 173) (L.D. 529)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** in the House on March 31, 2000.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555)** in **NON-CONCURRENCE**.

Representative AHEARNE of Madawaska moved that the House **ADHERE**.

Representative BUMPS of China moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on his motion to **RECEDE AND CONCUR**.

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

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative BUMPS of China to

RECEDE AND CONCUR and specially assigned for Tuesday,
April 4, 2000. (Roll Call Ordered)

On motion of Representative PERKINS of Penobscot and Representative PIEH of Bremen, the House adjourned at 5:50 p.m., until 9:00 a.m., Tuesday, April 4, 2000 in honor and lasting tribute to Barbara Cooney, of Damariscotta.