

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

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House Legislative Sentiments
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ONE HUNDRED AND NINETEENTH LEGISLATURE
 SECOND REGULAR SESSION
 25th Legislative Day
 Tuesday, April 4, 2000

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

Prayer by the Reverend Michelle Grube, Peoples United Methodist Church, Union.

National Anthem by Biddeford Middle School Chorus.

Pledge of Allegiance.

Doctor of the day, Erik Steele, D.O., Bangor.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver"

(H.P. 1744) (L.D. 2450)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENT "B" (H-904) thereto in the House on March 29, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENT "B" (H-904) AND SENATE AMENDMENT "D" (S-609)** thereto in **NON-CONCURRENCE**.

On motion of Representative JABAR of Waterville, the House voted to **RECEDE AND CONCUR**.

On motion of Representative TRAHAN of Waldoboro, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

On further motion of the same Representative, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "D" (H-973) to Committee Amendment "A" (H-847)**, which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. This amendment very simply allows the passenger's parents, of the person in the automobile, riding with someone else under the age of 18 within this 90-day time frame to get written permission from their parents to ride with that person. A very simple amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. How is this going to be enforced and also does this not need to be notarized?

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. If you remember the previous debate, you might reflect on the debate about profiling, about the ability of enforcement to

stop an automobile because a person appears to be of a certain age. It's my belief, and I think that you find if you look into constitutional law, that you cannot stop an automobile based on a person's appearance, so basically the only way that you can enforce this law is when a person has been stopped for another violation. If at that time an officer checked the person's written permission, a simple phone call would verify that written permission. I don't believe you'd have to go and have it notarized. The enforcement opportunity is there, if the person in the automobile has no written permission then they are in violation. If they do, a simple phone call it will verify that. More importantly this empowers parents to make a decision. If their child is in a position, if they're working at a job, if they're at an athletic event, they can give permission to their child to ride with another person who they deem responsible. Again, this puts the responsibility in the parent's hands and not in ours. Thank you.

Representative **CLARK** of Millinocket moved that **House Amendment "D" (H-973) to Committee Amendment "A" (H-847) be INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-973) to Committee Amendment "A" (H-847)**.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-973) to Committee Amendment "A" (H-847)**.

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 Indefinitely Postpone House Amendment "D" (H-973) to Committee Amendment "A" (H-847). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 529

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, McDonough, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Lovett, MacDougall, Mack, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mendros, Murphy T, Nass, Peavey, Perkins, Pinkham, Richardson E, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Winsor.

ABSENT - Bolduc, Madore, Martin, Matthews, McKee, O'Brien JA, Plowman, Quint, Rines, Stevens, Townsend, Tripp, Watson.

Yes, 84; No, 54; Absent, 13; Excused, 0.

84 having voted in the affirmative and 54 voted in the negative, with 13 being absent, and accordingly **House Amendment "D" (H-973) to Committee Amendment "A" (H-847) was INDEFINITELY POSTPONED**.

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

Non-Concurrent Matter

Bill "An Act to Ensure Access to Specialists for Injured Workers"

(H.P. 1827) (L.D. 2561)

Majority (7) **OUGHT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on March 27, 2000.

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

Representative HATCH of Skowhegan moved that the House **ADHERE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

Representative HATCH of Skowhegan **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**: 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. 530

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

NAY - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, McAlevey, McDonough, McGlocklin, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Madore, Martin, Matthews, McKee, Plowman, Quint, Rines, Stevens, Tripp, Watson.

Yes, 69; No, 71; Absent, 11; Excused, 0.

69 having voted in the affirmative and 71 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

Bill "An Act to Create a Governance System for Unorganized Towns"

(H.P. 221) (L.D. 299)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) in the House on February 15, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY SENATE AMENDMENT "A" (S-559)** thereto in **NON-CONCURRENCE**.

On motion of Representative AHEARNE of Madawaska, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

JOINT STUDY ORDER - Relative to Establishing a Committee on Gasoline and Fuel Prices

(H.P. 1774)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)** in the House on March 31, 2000.

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

On motion of Representative JABAR of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 613)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 3, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not To Pass Report from the Committee on Banking and Insurance on Bill, "An Act to Clarify the Rule-making Authority of the Commissioner of Human Services in Relation to Health Maintenance Organizations and Other Health Plans," (EMERGENCY) (S.P. 881) (L.D. 2296), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 614)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 3, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not To Pass Report from the Committee on Transportation on Bill, "An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products," (H.P. 845) (L.D. 1179), was accepted.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jennifer Labrecque, who has been offered a full-tuition scholarship to attend the University of Maine. The scholarship, which is called the "Top Scholars Award" is given to reward academic excellence to the State's very best students. Jennifer is Valedictorian of the 2000 graduating class of Catherine McAuley High School. We extend our congratulations to Jennifer on receiving this award;

(HLS 1168)

Presented by Representative USHER OF Westbrook.
Cosponsored by Senator O'GARA of Cumberland, Representative DUPLESSIE of Westbrook.

On **OBJECTION** of Representative USHER of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-610)** on Bill "An Act to Establish a Targeted Need Teacher Certificate"

(S.P. 886) (L.D. 2301)

Signed:

Senators:

BERUBE of Androscoggin

SMALL of Sagadahoc

Representatives:

RICHARD of Madison

WESTON of Montville

STEDMAN of Hartland

DESMOND of Mapleton

BRENNAN of Portland

ANDREWS of York

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

Signed:

Senator:

MURRAY of Penobscot

Representatives:

BELANGER of Caribou

SKOGLUND of St. George

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-610).

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I rise to ask you to defeat the pending motion. This legislation is unnecessary and the reason it is unnecessary is that the Education Committee has asked the state board to a study regarding certification and also teacher shortage. Meanwhile the Department submitted this bill, which would allow them to issue targeted certificates to people who hold a bachelors degree and would be able to teach in a specialty area, or an area of shortage. This is really unnecessary because currently the Commissioner has the authority to issue a waiver and he has also the authority to put any conditions on that waiver that he wants, or that he feels are necessary. What we're doing here is putting the cart before the horse. We're passing legislation to try to address a problem before we have the results of a study that we requested from the State Board of Education. I think that we should wait until the report is in and then we can pass thoughtful legislation. You hear arguments about someone with a PHD being able to get a targeted certificate and they should be able to teach, and I don't disagree with that, but the Commissioner currently has the authority and this bill will do nothing to change the requirements for someone to get a temporary certificate. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. There are a number of different ways that somebody might talk about this bill, but I think there's just one simple point that people need to understand about this bill. All this bill does is send this issue about creating a targeted certificate to rulemaking and it designates this as major and substantive rule and it will have to come back to the next Legislature, to the next Education Committee for review. What the Education Committee believed, the majority of the Education Committee believed, that this was an issue that warranted consideration. We sent it to rulemaking and we're asking it to come back for further consideration in the next Legislature. The vote here today is simply send this to rulemaking

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

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

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. When I'm reading this and it talks about a shortage area, I have some concerns as to the meaning of shortage. Are you referring to regional areas, are you referring to the discipline, what's going to determine a shortage area?

The **SPEAKER**: The Representative from Biddeford, Representative Sullivan has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. Generally speaking, the Education Committee talked about a shortage, we were talking about a content areas, such as math or science where there was a shortage of teachers, not necessarily in terms of geographical area.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I have some concerns if we talk in general a committee we're speaking of, you're talking about young people who go through a college program in order to be able to teach and if some people choose to teach in an area that is not identified in a shortage area, then what you are saying to all the teachers that have already been through a program, Gee, you should have picked a different area and you wouldn't even have to go through that college program. I think we really need to look at the study and decide what comes out there and I'm sure there's a better way then lowering our standards in order to meet this. Maybe we need to look at what we can do to encourage teachers and young people to enter the field of education. We're talking about dealing with young people and the quality of education directly is influenced by the size and quality of teachers, not by anything else, including technology.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. If you look at the amendment, the amendment only says that the Department will develop rules, which will be major substantive rules, to govern this particular classification of teachers, so the act will not create the circumstance where this can start happening until the rules are developed and approved by the committee of jurisdiction. Thank you.

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

ROLL CALL NO. 531

YEA - Andrews, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Clough, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dunlap, Etnier, Fisher, Frechette, Gagnon, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neil, Peavey, Pieh, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Stanwood, Stedman, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, Tuttle, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Bagley, Baker, Belanger, Bowles, Bragdon, Bruno, Buck, Bumps, Carr, Cianchette, Clark, Collins, Cross, Daigle, Dugay, Duplessie, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Gooley, Green, Honey, Kneeland, MacDougall, Mack, McAlevey, McNeil, Nutting, O'Brien JA, O'Neal, Perkins, Pinkham, Povich, Sanborn, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Sullivan, Tracy, Trahan, True, Twomey, Wheeler EM, Winsor.

ABSENT - Bolduc, Duncan, Goodwin, Lovett, Madore, Martin, Matthews, McKee, Perry, Plowman, Rines, Sirois, Stevens.

Yes, 87; No, 51; Absent, 13; Excused, 0.

87 having voted in the affirmative and 51 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-610) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-624)** on Bill "An Act to Ensure Civil Rights and Prevent Discrimination"

(S.P. 840) (L.D. 2239)

Signed:

Senator:

TREAT of Kennebec

Representatives:

JACOBS of Turner

NORBERT of Portland

THOMPSON of Naples

BULL of Freeport

LaVERDIERE of Wilton

MITCHELL of Vassalboro

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

BENOIT of Franklin

Representatives:

WATERHOUSE of Bridgton

SCHNEIDER of Durham

PLOWMAN of Hampden

MADORE of Augusta

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-625)** on same Bill.

Signed:

Senator:

LONGLEY of Waldo

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-624).**

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-622)** on Bill "An Act to Ensure Cost Effective and Safe Highways in the State"

(S.P. 992) (L.D. 2550)

Signed:

Senators:

O'GARA of Cumberland

PARADIS of Aroostook

Representatives:

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

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

Signed:

Senator:

CASSIDY of Washington

Representative:

WHEELER of Bridgewater

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-622)**.

READ.

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

On motion of Representative KASPRZAK of Newport, the House **RECONSIDERED** its action whereby it voted to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **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 to accept the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 532

YEA - Andrews, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gillis, Glynn, Green, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Mayo, McDonough, McGlocklin, McKenney, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Skoglund, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearn, Belanger, Berry DP, Bowles, Bragdon, Buck, Campbell, Carr, Cianchette, Collins, Cross, Dugay, Foster, Gagne, Gerry, Gooley, Honey, Joy, Kasprzak, LaVerdiere, MacDougall, Mack, Marvin, McAlevey, McNeil, Mendros, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson E, Rosen, Sherman, Shorey, Snowe-Mello, Stanley, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bolduc, Goodwin, Madore, Martin, Matthews, McKee, Murphy T, Perry, Plowman, Rines, Sanborn, Sirois, Stevens.

Yes, 93; No, 45; Absent, 13; Excused, 0.

93 having voted in the affirmative and 45 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-622) 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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** pursuant to Joint Order (H.P. 1840) on Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds" (EMERGENCY)

(H.P. 1925) (L.D. 2671)

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
DUNLAP of Old Town
BRYANT of Dixfield
COTE of Lewiston
TRUE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1030)** pursuant to Joint Order (H.P. 1840) on same Bill.

Signed:

Representative:

CLARK of Millinocket

READ.

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

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. What you have before you today is a product, yet another product, of many years of deliberation across the state and within this Legislature. What this is is our action on recommendations from municipalities regarding surface water uses. Now euphemistically, that really means jet skis and I think that we should bear that in mind when we act on this. As many of you who were here in the 118th Legislature recall we had the Great Ponds Task Force Bill, which a component of it provided for municipalities to construct a series of regulations and then bring them to the Legislature through the Department of Fisheries and Wildlife, whereupon the Fisheries and Wildlife Committee would then take action on them. This has happened in two phases, this is the second phase of that and what we were presented with were recommendations for various types of restrictions on 54 lakes and ponds in 22 municipalities across the state. What the committee did then was form a subcommittee to review the recommendations and based on a series of criteria, which included whether or not municipalities held a public meeting process, a town warrant, whether there was any enforcement on the part of the municipality included in their recommendations and finally, whether the criteria set forward by the Legislature had been met. Based on those fairly objective

criteria, a number of these lakes and ponds were moved out, approximately 26 of them, out of the process and then letters were sent to the affected municipalities whose recommendations were rejected giving them an opportunity to come to a public hearing or forward by mail, or by telephone, however they saw fit, the missing information to help the committee satisfy its needs. So what we have now is a series of recommendations based on that process. When we had the work session, we included those municipalities that had incorporated more information that we'd been missing, so it's basically a three-step process. We had the subcommittee. The subcommittee made recommendations and we asked municipalities for more information, they provided that and then we acted on that as a whole. This particular report is a result of that and there are some concerns that people have and I wanted to outline that to the body so they understand what the committee went through for a process, so they can further understand what other action may be taken. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I'm, as you can see on the calendar, I'm the only one against this. My reasoning for this first of all, we had a bill to do with extending the deadline for another year or two years that is on unfinished business in today's calendar. That's one strike, another one is when they did the applications for the municipalities for the Department of Inland Fisheries and Wildlife, a lot of those municipalities did not furnish the recommended requirement needed and like Representative Dunlap said, we had a subcommittee to look at those. When the letters went back out for more information, Representative Dunlap was absolutely correct, we got some of those back. We got some back by letters and by phone calls, but the problem I have is by phone calls. A lot of the people on the committee did not know who made those phone calls and what was entailed in those phone calls. They might have just said yes, we have enforcement issues, taken care of by the town municipality police.

Not only are these designated toward jet skis, but they're also entitled to restrictions on horsepower. Some of them restricts the horsepower to 25 horsepower or under, there was even one that had 5 horsepower or under. The problem I have is I don't want municipalities starting to enforce IF&W laws. That's why we have game wardens. We have game wardens to enforce the laws out there now. Another thing too, if you own a camp on a piece of water and it's not in the municipality that you live in and you own a jet ski, you have no say in that town meeting if you can ride your jet ski on that lake, although you do own the property. A lot of these people that own jet skis or have horsepower motors that is restricted, some of these people cannot use it because they had no voice in the town meeting. It's not really fair to those people that have the camps on these lots and they have no voice. Some of these people pay, just an average, a jet ski cost around \$5,000 to \$6,000 and a lot of these people use it, because they're easy to use. If you take that right away from them, it's like saying all right here's \$5,000, you can use this but not in front of your own camp. Say that you have a camp in Naples and you won't be able to use it, but you can use it up in northern Maine or some other place. It's not fair to the people that didn't have a voice in these town meetings.

Another thing, too, deadlines are not made to be broken. When you have a deadline for the moose application, for a

matter of fact, the deadline for moose applications was yesterday at 5:00, it had to be postmarked, there's no exceptions. There's a bill in to make exceptions to bring this another two years. What this is really doing is allowing the municipalities to make their own policy on these lakes and ponds and not all people that have property on these lakes and ponds are members of the municipality. I hope some of you will join with me today and overturn the majority report. Thank you Mr. Speaker.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I agree with my good friend from Millinocket on a lot of his concerns. It's not a perfect system, but it's far better than the alternative. The alternative before we accept this system in place, whereby the people could debate this at the local level, where they know the best use of their ponds. They know their desires, they know the water, they know the wildlife and then they could petition the commissioner and then, through our committee, to the full Legislature to make the decision. Somebody's got to make the decision. The way it worked before we set this in place, these different factions would come in front of our committee and duke it out in front of us and we'd go out and we'd say you go out and work on it, and they'd come back in. There was no way to get consensus at the committee level and this is not a perfect system as I said, but it's way better than the alternative.

As far as the people that don't live in the town, not being able to vote, they can't vote on anything, any of the town matters. I agree these waters are state waters, but the question is, if the people don't make the decision at the local level, debate it there and then channel it through to us, look at the chaos we had before. As far as the deadline, I see absolutely no reason to have a deadline on this process, whereby the people of the State of Maine can express their desires on the water usage in their area and request through a petition that we change the use on the surface of the lakes in their area. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I'm also standing to support the present motion. This Legislature set up a process for the cities and towns in the State of Maine to follow. The towns and the bodies of water that are included in this bill followed that process and are now coming back to the Legislature to have that process finalized. I can speak personally, only from my district, where the town of Naples went through a very lengthy process. They came before the Board of Selectmen, had an initial discussion with the Board of Selectmen. The Board of Selectmen held a meeting of theirs to discuss this, then scheduled a public hearing on this issue. There was a lot of give and take. There was a redraft done. There was another hearing held on the redrafts of what was proposed and there was a consensus built through painstaking participation by a lot of different people in the town, including the business people, the residents and other people. The vote then went to a referendum vote in the town and it was approved by a substantial margin. We have met all of the guidelines that were put forth by the Legislature and we fully expect this Legislature to follow through on what they said to us, which was, you follow these procedures and come back to us and we will approve the local control issues. Now we're here before you asking for that final step. There is no rational reason to deny us that step, once

we have gone through what the Legislature has required, so I urge you to support this Majority Ought to Pass Report.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will follow the advise of the previous speaker, the good Representative from Naples, he is entirely correct. Our town went through the same process, one of the lakes goes into Naples and Bridgton, and we share the same lake, Long Lake. I, originally when this legislation came before us, was not for this legislation. I thought it restricted freedoms, but the bill passed and it did go to the communities and the communities have done what they were required to do and they're back here to get that confirmed by us and we should do it. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, urge you to accept the Ought to Pass motion on the board. I will echo what the prior speakers have said and I will assure that local control does work because in my five towns there are some areas of the county where they overwhelmingly passed the ordinance to ban these so called jet skis. Another area of the municipalities that I represent soundly defeated that ordinance, so local control does work and whether you like the bill or not, we did give the municipalities the authority to do this and let's take this final step that's necessary. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I won't prolong this, because this is a 12 to 1 report. Certainly as a previous speaker said, the good Representative from Millinocket brings up some good points and he can certainly address those in future Legislatures with bills, if he so chooses, but I just want to point out that as a legislator, who like you, represents a whole lot of lakes and lake associations that this not only has taught me something about home rule and allowing our municipalities to make their decisions about some things that are very important to them, but also it bodes well for Maine lakes. Maine has over 5,000 lakes and ponds and through this process, I do believe, that not only have we increased knowledge of lakes and that will certainly help us as far as environmental concerns go, but it's also going to help IF&W, and IF&W can use all the help it can get regarding enforcement and if the enforcement involves local lakes monitors backed up by county sheriff's office or so forth, then they're going to have a lot of help, so I would urge you also to accept these recommendations. It's taken us an entire year to slowly go through the process and to change it at this late date would be wrong and would be disingenuous as far as the process goes. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

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

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. In the bill on section 4, it allows the Town of Naples to have unique marking by requirements for rental watercraft on that particular pond, which is connected to many other lakes and rivers in the area. What is the justification for having one town

have a unique marking requirement for personal watercraft. It's not like anywhere else in the state.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I'd like to answer the question. That was a recommendation that came from the town, it was considered by the committee and it was felt by a majority of the committee on that component to leave it as it was, as it was a municipal recommendation. The question was later brought forward on how was this going to be addressed in terms of law, and the response is basically, it's their recommendation, it's their problem. We left it in as a majority of the committee and then it was approved as part of the whole.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I served on this committee over time and I think it's been a very fair process. The thing I would like to leave with my colleagues here in the House this morning that if in your town, city, wherever, lake, river if the people have some question for you about the use of personal watercraft without mentioning any trade names, this bill covers more than personal watercraft, it provides for local control. If there's a bridge on a lake and you don't wish to have people diving off that bridge, that's one of the situations that we talked about.

Some of my colleagues that have responded gave a lot of their time to this process and it was over a couple of different sessions, so I would say to you that this is local control at its finest. As far as somebody saying what day did the letter come, who took the phone call, this process works; it does in other areas, too. Great things happen as a result of our deliberations here and I would leave one thought with you. I think this is justice without distinction. Thank you.

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. I recognize that this is shoveling against the tide, but this was a horrible policy last year, it continues to be a horrible policy this year. It's discrimination in its worse form. It's discrimination against the people in Maine who can't afford to buy the big boat with the straight pipes that'll haul five skiers at a time. Those that can only afford a jet ski are being discriminated against every single year in the State of Maine and I'm amazed to hear people who talk about individual rights stand up and support this today. I know we've been through the process and I know this is a rubber stamp and I know where it's going, but this was initiated by people that didn't come from Maine. It was initiated in Western Maine; it was initiated by somebody who had money to buy all kinds of lakeshore and didn't want to be disturbed. That's where this started two or three years ago. They could afford to hire a lobbyist to come down here and talk us into supporting their private pond. It's unfair. It's the worse form of discrimination against the people of the State of Maine that I've seen in the 8 years I've been here. It's discrimination on lakes that are in more than one town. If you're in one town, it will probably happen, if that lake is in 4 or 5 towns, it probably won't happen. It's unenforceable if one town passes it and that lake goes into another town. It's discrimination based on where you live, how

much money you have, can you afford to buy a place on the lake. I'm disappointed to see this continuing to happen. We've given away a little more of our rights as Maine citizens every single day. Thank you very much.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I'd like to address some of the concerns of my good friend from Rumford. First of all, this is not a rubber stamp. Bear in mind that we had 54 lakes and ponds recommended for closure. We rejected half of those out of hand, for whatever reason. We tried to keep those reasons as objective as possible. It was not up to us to determine whether or not we wanted to see jet skis banned on one lake or another. The lakes and ponds on Mount Desert Island, a place where I grew up, and I have a lot of deep love for those bodies of water, did not meet the criteria and were moved out. End of story.

To say this is a rubber stamp process really misses the argument. A couple of weeks ago we honored George Mitchell in here for his work and peace in Ireland and when George Mitchell was working on the peace in Ireland, at least he was Irish. I've been stuck with jet skis now for 4 years. I have never been on one. I can't swim. I don't want to learn. Okay. I've never been bothered by one. They mean nothing to me, but somehow the issue keeps coming back to my doorstep every session, so I have agonized, agonized, and agonized and tried to do the right things for the people who use jet skis and for the people who are annoyed by them. We spent, I don't know how many work sessions, between the Natural Resources and Inland Fisheries and Wildlife Committees, two years ago to craft this process and it was really a leap of faith. It was a shot in the dark to see how it was going to work. We have found some quirks. We have tried to work them out through this committee report, so that in the future when this process comes before the Legislature, it's much clearer to everyone what's expected of them.

It's not discrimination, not by a long shot, because the criteria that we select are completely objective criteria. Whether there was a public meeting process. Whether there was a vote on a town warrant. Whether everybody had a chance to say in this, then did they meet the criteria, did they consider the parameters that we set forth, that we labored over, wildlife values, traditional uses, noise, safety. Did those towns do that and were they willing to take ownership of this statute on their own. Were they willing to do a part of the enforcement on their own and for a lot of the ones that we rejected, that was the missing component.

For instance, one recommendation was that they would have a network of volunteers when they saw a problem they would call a game warden, well that's not really taking ownership of a statute, so when we rejected those, we said look you've got to do more than this and a lot of them did. They came back and said, well we are going to have our town constable as a first responder. We're going to have somebody that's going to be a monitor and they're going to do all the work and if they run into a problem then they call the game warden, because then the warden has someone they're actually responding to, rather than just simply being the designated monitor. This has been a very exhaustive process; maybe it's not going to work for everybody. Bear in mind everyone that there are people that live on some of these affected lakes and ponds who do own jet skis and will not be allowed to use them, but they've been part of this process all the way through. They've had a chance to vote, they've had a

chance to talk to people and I've never been called by any of them. So there's a lot involved here. It is sometimes a very painful process, but it's the best way to involve everyone who's affected. It would be very easy for us as Legislators if someone passed a law banning jet skis or personal watercraft, or wet bikes, whatever you want to call them. It would be very easy for us to do that, but then no one at the local level would have a say as to what happens in their own town. We do not relinquish, as a state, control over submerged land. We simply are sharing recommendations for enforcement of law. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I did rise to try to convince anybody that they should vote a particular way, only to ask that as this Legislature moves into the next session, there will probably be different people on the Fish and Wildlife Committee and to take into consideration, each time that we restrict the use of jet skis on a particular body of water, we're increasing the use on other bodies. We have only so many great ponds in the state and as we restrict the ones that we have already and probably future ones, that's going to create more traffic on the ones that's left and I just ask that future members of that committee to take that into consideration as they address this particular problem.

Representative Dunlap of Old Town **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought 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 to accept the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 533

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Chick, Cianchette, Clough, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Green, Hatch, Heidrich, Honey, Jabar, Jones, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McKee, McKenney, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Townsend, Trahan, Tripp, True, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Belanger, Bragdon, Cameron, Campbell, Carr, Chizmar, Clark, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Gooley, Jacobs, Jodrey, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, McGlocklin, McNeil, Mendros, Murphy E, O'Neal, Pinkham, Plowman, Richardson E, Sherman, Shorey, Stanley, Tobin J, Tracy, Treadwell, Wheeler EM, Winsor.

ABSENT - Dugay, Goodwin, Madore, Martin, Rines, Snowe-Mello, Stevens, Usher.

Yes, 103; No, 40; Absent, 8; Excused, 0.

103 having voted in the affirmative and 40 voted in the negative, with 8 being absent, and accordingly, the Majority **Ought to Pass Report** was **ACCEPTED**.

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

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 yesterday, 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 Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions" (EMERGENCY)

(H.P. 1680) (L.D. 2346)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883)** on March 21, 2000.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883) AS AMENDED BY SENATE AMENDMENT "A" (S-571)** thereto in **NON-CONCURRENCE**.

TABLED - March 23, 2000 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1024)** on Bill "An Act to Ensure Just Cause Termination in Employment"

(H.P. 1503) (L.D. 2147)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

HATCH of Skowhegan

MATTHEWS of Winslow

SAMSON of Jay

MUSE of South Portland

GOODWIN of Pembroke

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

Signed:

Senator:

MILLS of Somerset

Representatives:

TREADWELL of Carmel

DAVIS of Falmouth

MacDOUGALL of North Berwick

MACK of Standish

READ.

Representative HATCH of Skowhegan 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 **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1018)**

on Bill "An Act to Forbid Hiring Replacement Workers during a Strike"

(H.P. 105) (L.D. 136)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

MATTHEWS of Winslow

SAMSON of Jay

FRECHETTE of Biddeford

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

Signed:

Senator:

MILLS of Somerset

Representatives:

DAVIS of Falmouth

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

READ.

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

The same Representative **REQUESTED** a roll call on her 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 Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable, Men and Women of the House. I urge you to vote against the pending motion. This bill would say that if employers during a strike hire replacement workers that they have to hire back the original employees after the strike. This law is bad for a number of reasons, the first is whatever we pass here today will not affect the law. This bill is preempted by the National Labor Relations Act. The federal government has preempted us and nothing we do here will change that. That's not only bad, because what we do will have no effect, it is a bad idea because many employees in Maine, believing that they are protected under this bill will in fact go on strike and find that they are not protected. The National Labor Relations Act strikes a delicate balance between employers and employees. Employees have the right to go on strike if they have grievances against an employer, however, the employees going on strike do not have the right to shut down a business entirely. If the employees do not want to work, that's fine, they don't have to, they can go on strike, but the employer has the right to hire other workers and if you're saying that these workers have no job protection when they are working during the strike, it is much more difficult for the employer to hire these new employees to keep the business going and puts an unfair burden on the employer. The National Labor Relations Act right now, as I said, has a delicate balance between the company and the workers. We would be throwing a huge monkey wrench into that delicate balance and encouraging even more strikes. If employees think they have their jobs back no matter what if they go on strike, there's less reason not to

strike. You're going to see many more strikes and, in fact, with these strikes the employees will find that they are not protected at all. For these reasons, I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I urge you to support the Majority Ought to Pass Report and I'll tell you why. This bill was amended. What the bill says is that an employer cannot enter into a contract or agreement with replacement workers offering them permanent replacement. Let me explain to you why this bill has been amended. Often times we talk about strikes, a case has been cited called Bellnap, and I'll explain to you what happened at that location. There was a strike at Bellnap, the strikers went out on strike as is customarily done, the company hired replacement workers. The company offered them permanent employment. The company and the union continued to negotiate and agreed on terms for the strikers to return to work. The company wanted the strikers back. The strikers went back to work replacement workers were laid off. Replacement workers then hired lawyers and sued the company and after a series of court battles, the replacement workers won so the replacement workers went back to work and the long time workers that had struck were laid off. This was not under federal law; this suit was under state law. This bill would say that in the State of Maine, during a strike an employer cannot enter into an agreement with replacement workers offering them permanent employment. The reason for that is if the company and the union agree that the company wants the union workers to return to work, they won't be sued by the replacement workers. Now it doesn't say that the company can't hire his replacement workers forever, because they can. There's nothing that says that they have to hire the strikers back, it says they cannot enter into an agreement with replacement workers offering permanent replacement during the length of the strike and if you read the amendment, that's what it says.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The good Representative from Jay, who is the sponsor of the amendment to the bill, which replaced the bill, is under the impression that the amendment circumvents the National Labor Relations Act, when in fact we were told by the Department of Labor that it does not, that the bill would still fall under the same cloud that all previous strike breaker bills have fallen under. The supremacy of powers with the federal legislation preempting any state law would still be in affect in this case and I'm sure those of you who were around during the strike at Jay, back in the 1980s will remember the very hard feelings that existed then and still continue today, as a matter of fact and I'm afraid if we enact this law that we're going to have a situation where the employees are going to be encouraged to strike only to find out that they are not protected by the law and in fact we'll have many more Jays in the State of Maine.

Another thing that I'd like to point out is that when a large company goes out on strike there are a lot of other providers to that company who are possibly going to be put out of business that has nothing to do with strike breaker law, but when a manufacturer, an employer is forced to close their plant, which is the intent here, then it's going to create an economic problem for not only that plant that's closed, but for the entire region and the State of Maine for that matter.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. With all due respect to the good gentleman from Carmel, Representative Treadwell, I believe that the problem that the preemption issue had in the past with the strikebreaker was prohibiting the use of strikebreakers unless I'm mistaken. This bill does not prohibit the employer from hiring strike breakers, replacements, but it simply says that they will be temporary and I do remember that strike over in Jay and that was a sad chapter and that had, ladies and gentlemen, more to do with loss of business and ill will by a company hiring replacement workers than anything. That situation had a tremendous impact on the community and this particular bill will allow the flexibility of that employer to remain intact, through that strike in Jay there were always the comments in the paper and the reports from the employer, these are temporary replacements. We had individuals that were hired as replacement workers, as strikebreakers, in our Committee on Labor last session and I remember distinctly one gentlemen who came from I believe it was the State of Mississippi who was courted by one of these outfits that just travels around and tries to make life terrible for individuals in this country and hires replacement workers, specifically during strikes. He was offered a job to come to Maine, a temporary job, one where everything was going wonderfully. There was good feeling in the community and of course this individual came to take a job in Jay from a union worker. The company was talking about temporary replacement. Representative Samson has offered, I think, a novel approach to try to deal with the issue of NRLB and preemption. It does not tie the hands of the employer and I think its incumbent on this Legislature to give this issue a try. Let's see if this stands constitutional muster. With all due respect to the Department of Labor, they're not constitutional scholars and in fact, I have some questions at times about their involvement with respect to Maine workers. However, they're not the experts here. Let's let the issue have an opportunity to have its day in court. I think it's a good approach; it doesn't tie the hands of the employer. It simply says that the employer can bring those, if they negotiate, those striking workers back and isn't that what every one of us in this Legislature want to see happen. Maine workers employed, not individuals from Mississippi, and Louisiana, and Texas, and everywhere else, that simply travel from town to town with their circus to take Maine jobs away from Maine workers. I respectfully disagree with the good gentlemen from Carmel in his interpretation. I think this is a good attempt and it has not been tried before. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Something that needs to be remembered and considered as you make your decision this morning is that in the marketplace one of the things that customers will look at is the stability of the labor force of the vendors they do business with. This bill, should it pass, will send very negative ripples throughout the national economy, in the paper industry, for a case in point. If the tonnage requirements required to produce the products that customers need are in jeopardy by buying that paper in Maine they will seek redress elsewhere, if other states do not have this strike breakers legislation, because the stability of the workforce will be better elsewhere. Now maybe that won't happen tomorrow, the day

after the legislation takes place, but it will be a sword of Damocles hanging over the head of the paper industry, for one. Customers want to know that there is stability in the workplace and this would usurp that.

Number two, as far as hiring temporary workers, the skills required and the experience levels required to produce the product that are at a proficient level that will meet the customer demands and for safety matters, often require the ability to hire someone from very far away, from other states, maybe down South, or out in the Mid West, or even the West Coast and they're not going to come here for a temporary situation. This bill would take away a very important part of the balance that the National Labor Relation Act has offered this country. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I think this is a good bill and when you hear people talk about it, it's going to take rights away from replacement workers, I don't agree with that. The company has the option to continue the replacement worker if they want to. What this bill does is allow companies to have an option. It allows companies to say I'm not going to get sued if I make a decision to get the contract solved. I want to make sure that that's clear. That's all this bill does. It does nothing more, it's not going to set any ripple affect through the economy, it's not going to do anything more than that. It gives the employer the option. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

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

The SPEAKER: The Representative may pose his question.

Representative **FOSTER**: Mr. Speaker, Men and Women of the House. If this bill were to pass and there was litigation over the constitutionality of it, who would pay the freight? Would the state be paying the cost of this legislation, and if so does anybody have any idea how much it would cost?

The SPEAKER: The Representative from Gray, Representative Foster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To answer the question from the Right Honorable Representative from Gray, if this bill were to pass, there would most definitely be a lawsuit questioning the constitutionality of this bill, since it is preempted by the National Labor Relations Act. The cost of litigation to the State could easily run into \$100,00, \$200,000, or more and since there is no fiscal note on the bill saying so, I think one would be very much appropriate

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. In response to the good Representative from Winslow, the interpretation of whether or not the bill as crafted today is unconstitutional, that came not from me, but from the Department of Labor. I specifically asked a representative of the state Department of Labor and he said without any equivocation that it would still not pass muster, that it was still unconstitutional under the National Labor Relations Act.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. A question was asked previously about who would pay the cost if this went to court. If this went to court, it would be the business that was bringing it to court. State employees, your state police, your teachers anyone here working for the state is not allowed to strike. They can go out on picket line, but they can't leave their jobs, remember that. Thank you.

Representative TRACY of Rome inquired if a quorum was present.

Subsequently, the Chair declared a Quorum present.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. In answer to the question about who would pay the freight, this particular law would be defended by the Attorney General of the State of Maine and that happens many times on other legislation that we pass and Ladies and Gentlemen I would remind the membership here in this House that the Congress is grappling with this issue also and looking for guidance. It's not unusual that they find guidance from the states that is exactly what our forefathers' intended. Sometimes we have to show the way to the Congress because of their inability to act for political reasons or what have you and it is a problem, I think we all acknowledge. I don't believe that the playing field is fair in its current form and I applaud the good gentleman from Jay, sponsor of this legislation. It is an innovative approach, it doesn't tie the hands of the employer and our Attorney General will defend it in court and that's been done many times. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I arise to try to correct some information I just heard as far as the cost to the State of Maine to defend this action. I would draw everyone's attention to the bill in front of you, the pending bill; the amendment is House Amendment 1018. The bill may decrease the number of civil suits filed in court. The additional costs associated with providing assistance in any labor dispute can be absorbed by the Department of the Attorney General, utilizing existing budgeted resources, so when I hear figures of \$100,00, to \$200,000, it would cost the state, why would the fiscal office put out fiscal notes such as this, if a case was to be taken it can be absorbed within the budget and if it wasn't this case, it would be a different case, that's why we have a staff in the Attorney General's Office. Please vote to accept the Majority Ought to Pass as Amended Report.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is to accept the Majority Ought to Pass As Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 534

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse,

Norbert, O'Brien LL, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, 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, Williams, Mr. Speaker.

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

ABSENT - Cross, Dugay, Madore, Martin, O'Neal, Rines.
Yes, 83; No, 62; Absent, 6; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1018)** 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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1021)** on Bill "An Act to Establish Criteria for Tax Incentive Programs"

(H.P. 1754) (L.D. 2460)

Signed:

Senator:

MILLS of Somerset

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

LEMONT of Kittery

BUCK of Yarmouth

CIANCHETTE of South Portland

MURPHY of Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1022)** on same Bill.

Signed:

Senator:

RUHLIN of Penobscot

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-1021)** 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 items appeared on the Consent Calendar for the First Day:

(S.P. 973) (L.D. 2519) Resolve, to Improve Access to Technical Education and Ensure a Skilled Work Force Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 942) (L.D. 2472) Bill "An Act to Increase the Penalty for Leaving the Scene of a Motor Vehicle Accident" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-615)**

(S.P. 995) (L.D. 2557) Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-632)**

(S.P. 1048) (L.D. 2638) Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-627)**

(S.P. 1052) (L.D. 2642) Bill "An Act to Amend the Nutrient Management Laws to Include the Regulation of the Discharge from Fish Hatcheries Except for Aquaculture" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-629)**

(S.P. 1058) (L.D. 2648) Bill "An Act to Enter Into the International Emergency Management Assistance Compact" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-631)**

(H.P. 1692) (L.D. 2398) Bill "An Act to Expand Educational Opportunities for Elderly Persons" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 852) (L.D. 1209) Bill "An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1028)**

(H.P. 1634) (L.D. 2286) Bill "An Act to Amend the Laws Governing Paternity Establishment" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1032)**

(H.P. 1721) (L.D. 2427) Bill "An Act Relating to Underground Facility Plants" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1025)**

(H.P. 1760) (L.D. 2466) Bill "An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1031)**

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

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

(S.P. 1000) (L.D. 2565) Bill "An Act to Implement the Recommendations of the Task Force to Review Solid Waste Management Policy" Committee on **NATURAL RESOURCES**

reporting Ought to Pass as Amended by Committee Amendment "A" (S-628)

On motion of Representative COWGER of Hallowell, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-628) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of Committee Amendment "A" (S-628) and later today assigned.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second 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" (C. "B" S-621)

(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" (C. "A" H-1016)

(H.P. 1420) (L.D. 2027) Bill "An Act to Enable the Formation of Public Charter Schools" (C. "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) (C. "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" (C. "A" H-1012)

(H.P. 1906) (L.D. 2651) Resolve, to Establish the Commission to Study Domestic Violence (EMERGENCY) (C. "A" H-1017)

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

(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" (C. "A" S-623)

On motion of Representative CAMERON of Rumford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-623) was **READ** by the Clerk.

Representative CAMERON of Rumford **PRESENTED** House Amendment "A" (H-1036) to Committee Amendment "A" (S-623), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-623) as Amended by House Amendment "A" (H-1036) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment

"A" (S-623) as Amended by House Amendment "A" (H-1036) thereto in **NON-CONCURRENCE** and sent for concurrence.

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

BILLS IN THE SECOND READING
House As Amended

Resolve, to Provide Medicaid Reimbursement for Hospice Care

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

(H. "A" H-1023 to C. "A" H-971)

Bill "An Act to Allow Registration of Low-speed Vehicles"

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

(C. "A" H-1010)

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

Bill "An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites"

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

(H. "A" H-995 and H. "B" H-1011 to C. "A" S-581)

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby Committee Amendment "A" (S-581) as Amended by House Amendment "A" (H-995) and House Amendment "B" (H-1011) thereto was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby House Amendment "B" (H-1011) was **ADOPTED**.

On further motion of the same Representative, House Amendment "B" (H-1011) was **INDEFINITELY POSTPONED**.

Subsequently, Committee Amendment "A" (S-581) as Amended by House Amendment "A" (H-995) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-581) as Amended by House Amendment "A" (H-995) thereto in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Increase the Minimum Wage in Maine"

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

(S. "A" S-620 to C. "A" S-534)

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

On motion of Representative HATCH of Skowhegan, was **SET ASIDE**.

The same Representative **PRESENTED** House Amendment "A" (H-878), which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. This amendment amends the biweekly

pay law enacted in the First Regular Session of the 119th Legislature to authorize the two long standing practices in the public sector that were inadvertently effected by the new law. First, public sector employers are authorized under the Fair Labor Standards Act to permit the earning of compensation time at the rate of time and a half as payment for overtime worked. That's the comp time that we normally give to our employees here at the state. It wasn't affected at the state level, only at the municipal level. Under the federal regulations, this accrual of compensatory time must be with the permission of the employee and any amount on the books at the retirement, resignation, or termination of an employee must be paid out in the same manner as accrued vacation time. This amendment would permit this use of compensatory time under the federal law and regulations without violating the biweekly wage payment visions of state law.

Second and probably just as important, the amendment allows school administrative units to pay staff who work the over all twelve months of the year, rather than paying only during the school year, if the employees have agreed to that payment schedule.

Representative TREADWELL of Carmel asked the Chair to **RULE** if **House Amendment "A" (H-878)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a ruling of the Chair.

ENACTORS

Emergency Measure

An Act to Amend the Maine Milk Laws

(S.P. 1069) (L.D. 2662)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multiagency Cooperation

(H.P. 1135) (L.D. 1620)

(C. "A" H-979)

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

Emergency Measure

Resolve to Establish the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

(H.P. 1677) (L.D. 2343)

(H. "A" H-977 to C. "A" H-841)

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. 122 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Amend the Powers of Hospital Administrative District No. 1

(S.P. 726) (L.D. 2046)

(C. "A" S-607)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Amend the Farmington Falls Standard Water District

(H.P. 1884) (L.D. 2620)

(C. "A" H-959)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 3 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Medicaid Managed Care Ombudsman Services

(H.P. 101) (L.D. 114)

(C. "A" H-978)

An Act Regarding Wrongful Death Actions

(H.P. 480) (L.D. 687)

(C. "A" H-871; S. "A" S-606)

An Act to Allow Police Assistance in Emergency Situations

(H.P. 1767) (L.D. 2480)

(C. "A" H-908)

An Act to Improve the Regulation of Occupations and Professions

(S.P. 996) (L.D. 2558)

(C. "A" S-593)

An Act to Implement Recommendations of the Joint Standing Committee on Education and Cultural Affairs Relating to the Review of the State Cultural and Other Agencies under the State Government Evaluation Act

(H.P. 1916) (L.D. 2661)

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

Resolves

Resolve, to Study Youth Homelessness

(H.P. 1534) (L.D. 2187)

(C. "A" H-975)

Resolve, Authorizing the Refund of Sales Tax Overpayments to a Maine Business

(S.P. 1067) (L.D. 2660)

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

An Act to Encourage Responsible Employment Practices

(S.P. 292) (L.D. 810)

(C. "A" S-535)

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

On motion of Representative McNEIL of Rockland, 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 having 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. 535

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, 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, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, 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.

ABSENT - Brooks, Dugay, Goodwin, Martin, Perkins, Rines, Winsor.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District

(S.P. 602) (L.D. 1725)

(C. "A" S-531)

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

On motion of Representative COLLINS of Wells, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. On the surface this bill, LD 1725, is going to affect two towns, Wells and Ogunquit. We are changing the formula to accommodate Ogunquit. Taxes in Ogunquit will go down as a result of it. The taxes in Wells will go up as a result of it, because they both belong to a CSD, community school district. I spoke to this issue in the past. I believe it is unfair to single out one town in the State of Maine to tweak the formula for the funding of education and cause their real estate taxes and mil rates to go up to accommodate another town. Over the weekend I had received a couple of phone calls in reference to this LD from communities that have a similar situation to Ogunquit and Wells whereas there is a neighborhood or an area of a given community that has a high property value, low student body. They theorize their cost of education for students very high. As we have discussed in the past, we fund our education by real estate taxes. In the community school district they should both be paying the same mil rate. If we go forward with this LD, we will be subjecting the school funding formula to a change. It is a change that is being observed by other communities in the State of Maine.

I urge the Maine House of Representatives to vote with me on this motion to Indefinitely Postpone LD 1725 and its accompanying papers. Mr. Speaker, I request a roll call on this vote. Thank you.

The same Representative **REQUESTED** a roll call on his 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 Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. The other day we voted on this issue and it was overwhelming. Nothing has changed. The same situation is still in place. This is a long-standing issue between two towns. The unique situation of non-negotiable cost formula fixed in statute makes a local solution difficult. The Education Committee referred the problem to mediation and then fact finding for recommendation. The fact finding found the gap between the per pupil cost has been growing wider since the starting point 20 years ago. Just to correct one of the local papers, the cost for Ogunquit per student is \$52,300. The cost for Wells is \$5,683. The issue of fairness and the definition of fairness is still there. I urge you to stay with your vote as you did the other day and help me defeat the Indefinite Postponement of this bill and its papers and try to correct the fairness issue, which isn't going to be totally corrected, but it will help solve a problem between two towns that will be an issue here if we vote this down right now in years to come. I urge you to follow my light. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to support the pending motion. The creation of this community school district was done on the basis of two towns agreeing ahead of time that

the funding would be based on 100 percent valuation. Otherwise, the district would have never been formed and the towns would never have agreed to this at all. Both towns agreed to this. It was understood in the ballot that was written to be voted on when this district was formed. As the good Representative from Wells indicated, this can have far-reaching implications if sections of towns or cities that have single school systems and their high valuation, low pupil sections of larger communities and wish to pull out of those communities and form their own communities, this could create an ongoing affect. I am afraid that we may be setting a very bad precedent here by interfering in this process in this way. I urge you again to support the Indefinite Postponement. Thank you.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. As has already been mentioned, we have debated this issue quite extensively last week. I would urge you to vote against the pending motion. I do want to reassure you that this bill has absolutely nothing to do with the school funding formula. It will not change the school funding formula. It only changes the funding arrangement for Wells and Ogunquit. The reason why it only affects Wells and Ogunquit is because Wells and Ogunquit is a unique situation that only exists in one district in the state and that is Wells and Ogunquit. It has no impact on surrounding communities, other communities or the school funding formula. I would dare say that if the good Representative from Wells, if people were to call him and say that they had similar situations affecting their towns and communities, that that would not be true. There are other remedies available to other towns and communities across the state that have disagreements about school funding. There is a law that describes the methods they go through to address that. This situation, only the Maine Legislature can address, and we believe that the Education Committee has efficiently addressed it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. The process of change happens gradually. The process of change starts with one-minute change. This is the threshold that you are on here today. It is a process that is going to change the school funding formula for Maine. Other communities, like I mentioned previously are watching this vote. I hate to repeat myself, but during the debate last week I mentioned our neighboring State of New Hampshire with their problems and with their funding education. I can tell you now that this is going to set a precedent in the State of Maine. It will come back to haunt us in years to come. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. Just to repeat myself, this is a unique situation. This is the only CSD created by the Legislature and this is the only CSD that has to have the funding formula changed by the Legislature. This is unique, ladies and gentlemen. I urge you to do your job and vote against the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 536

YEA - Berry DP, Bowles, Buck, Cameron, Campbell, Carr, Clough, Collins, Cross, Davis, Foster, Gerry, Gillis, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Peavey, Pinkham, Richardson E, Rosen, Sanborn, Savage C, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Jabar, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Goodwin, Green, Hatch, Martin, Rines, Wheeler EM.

Yes, 55; No, 90; Absent, 6; Excused, 0.

55 having voted in the affirmative and 90 voted in the negative, with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

An Act to Change Laws Pertaining to the Loring Development Authority of Maine

(H.P. 1498) (L.D. 2142)
(S. "A" S-604 to C. "A" H-924)

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

On motion of Representative O'NEAL of Limestone, was **SET ASIDE**.

On further motion of the same Representative, 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-924) as Amended by Senate Amendment "A" (S-604)** thereto was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1019) to Committee Amendment "A" (H-924)** which was **READ** by the Clerk.

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

Representative O'NEAL: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment that helps to change what the Senate Amendment accomplished.

House Amendment "A" (H-1019) to Committee Amendment "A" (H-924) was **ADOPTED**.

Committee Amendment "A" (H-924) as Amended by House Amendment "A" (H-1019) and Senate Amendment "A" (S-604) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-924) as Amended by House Amendment "A" (H-1019) and Senate Amendment "A" (S-604) thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act to Establish the Maine Coordinate System of 2000
(S.P. 965) (L.D. 2514)

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

On motion of Representative JABAR of Waterville, was **SET ASIDE**.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 1074)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, farmers and others employed in associated industries make up 10% of the Maine work force, with about 7,400 farms operating on 600,000 acres of cropland; and

WHEREAS, Maine farmers provide in excess of \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

WHEREAS, the agri-food business provides 60,000 full-time and part-time jobs throughout the State's economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, first in the world in the production of brown eggs, home of the world's largest bioagricultural firm, first in New England in the production of food, 3rd in the country in the production of maple syrup and 8th in the country in potato production; and

WHEREAS, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

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

READ.

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

Representative **PIEH:** Mr. Speaker, Men and Women of the House. On behalf of myself and Members of Agriculture, Conservation and Forestry Committee, this is Agriculture Day. It's to remind us all what a pleasure it is to eat and especially to eat clean, fresh, local foods and to enjoy the beauty of our farms and farmland. In honor of Agriculture Day the State Grange serves lunch today. The State Grange is down the street, around the rotary on the left and what you want to be sure you know is there's a shuttle that's running from the Executive's entrance that will keep going, it's a big gray shuttle, and it will give people a ride that don't want to walk or take your own vehicle. Just a reminder from Representative Kneeland, our potato farmer, that your 8 lbs of potatoes are waiting for you down in the Hall of Flags. They're chef size, they're huge. Have a wonderful day and enjoy the Hall of Flags and all the demonstrations. Thank you.

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

Representative **CHICK:** Mr. Speaker, Ladies and Gentlemen of the House. By my involvement with the Maine Association of Agricultural Fairs, I would like to rise today in support that the fairs support certainly Agriculture and Forestry. Thank you.

Was **ADOPTED** in concurrence.

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

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

UNFINISHED BUSINESS

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

Resolve, to Recognize Veterans of the Vietnam War in the State House Hall of Flags

(H.P. 1765) (L.D. 2471)

(C. "A" H-837; S. "A" S-540)

TABLED - March 22, 2000 (Till Later Today) by Representative SAXL of Portland.

PENDING - FINAL PASSAGE.

On motion of Representative **AHEARNE** of Madawaska, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-540)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-540)** was **INDEFINITELY POSTPONED**.

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-837)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1037)** to **Committee Amendment "A" (H-837)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. This really is a technical change to the bill. There was an issue regarding clarity of one of the sections regarding the membership and this further clarifies what the unanimous committee report, what we were trying to do in terms of trying to apply the membership to this commission.

House Amendment "A" was **ADOPTED**.

Committee Amendment "A" (H-837) as Amended by **House Amendment "A" (H-1037)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-837)** as Amended by **House Amendment "A" (H-1037)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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 (EMERGENCY)

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

TABLED - April 3, 2000 (Till Later Today) by Representative **ETNIER** of Harpswell.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative **ETNIER** of Harpswell, 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-963)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1033)** to **Committee Amendment "A" (H-963)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative **Etnier**.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. This is a technical amendment, the bill itself had language in it that specified a March 31, 2000 date and we had to insert the word retroactivity into the amendment so that it would cover us, because March 31st has lapsed as we know.

House Amendment "A" was **ADOPTED**.

Committee Amendment "A" (H-963) as Amended by **House Amendment "A" (H-1033)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-963)** as Amended by **House Amendment "A" (H-1033)** thereto in **NON-CONCURRENCE** and sent for concurrence.

The Chair laid before the House the following items which were **TABLED** and today assigned:

TABLED AND TODAY ASSIGNED

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

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

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

- In Senate, Senate **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**.

TABLED - April 3, 2000 by Representative **SAXL** of Portland.

PENDING - Motion of Representative **BUMPS** of China to **RECEDE AND CONCUR**. (Roll Call Ordered)

A roll call having been previously ordered on the motion to **RECEDE AND CONCUR** was taken now:

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. 537

YEA - Bragdon, Brooks, Bumps, Campbell, Cross, Foster, Gerry, Gillis, Jones, Kasprzak, Mack, Madore, McNeil, Murphy T, O'Brien JA, Pinkham, Plowman, Rosen, Stanwood, Treadwell, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Murphy E, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Mr. Speaker.

ABSENT - Perry, Rines, Wheeler GJ.

Yes, 21; No, 127; Absent, 3; Excused, 0.

21 having voted in the affirmative and 127 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass** as Amended by

Committee Amendment "A" (H-1027) on Bill "An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection"

(H.P. 1814) (L.D. 2547)

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin
LIBBY of York

Representatives:

COWGER of Hallowell
JOY of Crystal
TOBIN of Windham
ETNIER of Harpswell
McKEE of Wayne
CLARK of Millinocket
MARTIN of Eagle Lake
DUPLESSIE of Westbrook

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

Signed:

Representative:

CAMERON of Rumford

READ.

On motion of Representative MARTIN of Eagle Lake, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1027)** 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-1027)** and sent for concurrence.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Study the Effectiveness of Harness Racing Promotions" (**EMERGENCY**)

(H.P. 1097) (L.D. 1544)

Signed:

Senators:

FERGUSON of Oxford
CAREY of Kennebec

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
PERKINS of Penobscot
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
McKENNEY of Cumberland
GAGNE of Buckfield
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1029)** on same Bill.

Signed:

Senator:

DAGGETT of Kennebec
Representative:

MAYO of Bath

READ.

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

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Establish a Targeted Need Teacher Certificate" (S.P. 886) (L.D. 2301) (C. "A" S-610)

Bill "An Act to Ensure Cost Effective and Safe Highways in the State" (S.P. 992) (L.D. 2550) (C. "A" S-622)

House

Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds" (**EMERGENCY**) (H.P. 1925) (L.D. 2671)

House As Amended

Bill "An Act to Forbid Hiring Replacement Workers during a Strike" (H.P. 105) (L.D. 136) (C. "A" H-1018)

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 the House Papers were **PASSED TO BE ENGROSSED OR PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

Bill "An Act to Establish Criteria for Tax Incentive Programs" (H.P. 1754) (L.D. 2460) (C. "A" H-1021)

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

On motion of Representative SHIAH of Bowdoinham, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods

(S.P. 775) (L.D. 2174) (C. "A" S-612)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2000-01

(H.P. 1831) (L.D. 2567)
(C. "A" H-989)

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. 113 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries

(H.P. 1847) (L.D. 2584)
(C. "A" H-1003)

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. 114 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Relating to Protection from Bloodborne Pathogens for Maine Workers

(H.P. 1532) (L.D. 2185)
(H. "A" H-999 to C. "A" H-948)

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. 117 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 Establish and Fund Conflict Resolution Programs in the Public Schools

(H.P. 928) (L.D. 1305)
(C. "B" H-1005)

An Act Relating to Licensing Board Fees

(S.P. 938) (L.D. 2388)
(C. "A" S-613)

An Act to Amend the Laws Governing Municipal Tax Increment Financing to Encourage Downtown Investment

(H.P. 1739) (L.D. 2445)
(C. "A" H-869)

An Act to Revitalize Teacher Certification

(H.P. 1763) (L.D. 2469)
(C. "A" H-997)

An Act to Enhance Public Safety By Updating the Laws Pertaining to Explosives and Flammable Liquids

(H.P. 1766) (L.D. 2479)
(C. "A" H-986)

An Act Relating to Telemarketing

(H.P. 1855) (L.D. 2591)
(C. "A" H-998)

An Act to Require Warranty Certification for Snowmobiles and All-terrain Vehicles

(H.P. 1873) (L.D. 2610)
(C. "A" H-988)

An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the United States Naval Shipyard in Kittery, Maine

(S.P. 1031) (L.D. 2611)
(C. "A" S-616)

An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks

(S.P. 1039) (L.D. 2621)
(C. "A" S-618)

An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits

(H.P. 1907) (L.D. 2652)
(C. "A" H-969)

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

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

(S.P. 910) (L.D. 2362)
(H. "A" H-1002 to C. "A" S-579)

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

On motion of Representative TRACY of Rome, 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. 538

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, 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, McAleve, 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, 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, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Perry, Rines, Wheeler GJ.
Yes, 148; No, 0; Absent, 3; Excused, 0.

148 having voted in the affirmative and 0 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older

(H.P. 1839) (L.D. 2577)

(C. "A" H-950)

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

On motion of Representative PERKINS of Penobscot, was **SET ASIDE**.

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

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

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

Representative **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to point out that this would actually alter, the title is actually Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older, this would alter it to death. The use of the word alter, I don't know why that was put in, but this would actually eliminate the provision as I understand it whereby now if you have fished in the past, once you become 65 you're eligible to get a license, just so that we understand what we are voting for.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I don't wish to re-debate this issue. The point, which I disagree with my good friend Representative Perkins, is that is no criteria that you fished in the past. I'm looking at the law that is being repealed by this and all it says is that you had to have been 65 years of age or older and has held a lobster or crab fishing license. That doesn't mean you fished ever, it means that at one point in your life, for some reason or other you bought a lobster license, there's no guarantee you have any knowledge of the fishery. Thank you.

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. 539

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Green, Hatch, Jabar, Jodrey, Joy, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Watson, Mr. Speaker.

NAY - Ahearn, Belanger, Bolduc, Bouffard, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Clark, Clough, Cross, Dugay,

Duncan, Foster, Frechette, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jones, Kasprzak, Kneeland, Labrecque, MacDougall, Mack, Mailhot, McKenney, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pieh, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Volenik, Waterhouse, Weston, Wheeler EM, Williams, Winsor.

ABSENT - Perry, Rines, Wheeler GJ.

Yes, 85; No, 63; Absent, 3; Excused, 0.

85 having voted in the affirmative and 63 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Exempt a Portion of Private and Public Pensions from Income Taxation

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

(S. "A" S-619)

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

On motion of Representative TRACY of Rome, 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. 540

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, 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, 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, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Hatch, Perry, Rines, Wheeler GJ.

Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected"

(H.P. 1382) (L.D. 1989)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

MILLS of Somerset

Representatives:

DAVIS of Falmouth

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1035)** on same Bill.

Signed:

Representatives:

HATCH of Skowhegan

SAMSON of Jay

MATTHEWS of Winslow

FRECHETTE of Biddeford

GOODWIN of Pembroke

READ.

On motion of Representative HATCH of Skowhegan, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1034)** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

(H.P. 1454) (L.D. 2075)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

MILLS of Somerset

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

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

READ.

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

The same Representative **REQUESTED** a roll call on her 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 Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. LD 2075 starts a whole new light in the workers' comp situation that we have here in the State of Maine. Up until now most of what we classify or categorize as occupational diseases have been handled under the occupational injury law or occupational injury section of the workers' comp statute that we have in effect at the present time. Because of the latency period of occupational diseases it's very difficult to determine when, how and if a person was actually injured or contacted an occupational disease through their place of work. It opens up a whole new arena of litigation under the workers' comp law. Since 1993, since the new workers' comp law went into effect, the employees in the State of Maine have realized a 43 percent reduction in their comp premium. This year it has already been announced that a 10.3 percent increase in premiums has been approved, so we're headed back in the wrong direction. This bill would represent about a \$5 million a year increase in comp costs and I know we don't like to talk about dollars when we talk about injured workers, but if we're increasing costs for something that's already being covered under the injury portion of the workers' comp law and all we're doing is opening up the workers' comp system for litigation, I don't think that it's a good idea and I urge you to defeat the Majority Ought to Pass motion that's on the floor.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill was a hold over from our first regular session and during that time we had a number of people from the Labor Department, plus professional people, including doctors looking over what the occupational disease law looked like in the State of Maine. I'm here to tell you today that the bill itself is gone and what is remaining is the amendment. The amendment replaces the bill. The current occupational disease law defines date of injury as the date on which the employee becomes incapacitated by the disease. This definition means that workers are not eligible to receive medical benefits under the occupational disease law until they become incapacitated. Under the current law there are certain things in the workers' comp law that cross-references this and that and the other thing and a lot of people that were injured under the occupational disease law and had claims and rightly so, were denied those claims because of this cross-referencing. This amendment changes the definition of date of injury to provide that an employee is considered to have suffered an injury when the employee knows or should know the nature or seriousness of the disease and the casual relationship between the employee's

work and the disease. The amendment also removes unnecessary language providing cross-references to specific benefits under Maine Workers' Compensation Act of 1992. Since the Maine Revised Statutes, Title 39A, section 602 sets forth the general rule that persons who suffer injury under the occupational disease law are entitled to the same benefits. This is not a retroactive bill; it doesn't go back to 92. It does start January 1st, 2001. The fiscal note on this bill, it says this bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with minimal number of new cases filed can be absorbed within the budgeted resources. The state employees workers' compensation program may incur some minor, minor additional costs due the change in the definition of date of injury. These costs are not expected to affect the amounts budgeted by state departments and agencies for workers' comp. It is my belief we do not have a note from NCCI, it's my belief that any additional costs associated with claims under the occupational disease can be covered by what is currently budgeted in the budgets for those. As far as the increase, the increase was asked by the workers' comp insurers and had nothing to do with what we have passed here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative SCHNEIDER: Mr. Speaker, Men and Women of the House. I urge you to vote against the Majority Ought to Pass Report. I would just like to mention the difficult and complex litigation that would be involved if this bill should pass. This kind of case, for anybody who's followed in legal circles the asbestos or the silicone breast implants case, this kind of case can be extremely long, extremely complex. It can require depositions from many, many medical experts and other workers. It can draw all kinds of people into this litigation who wish that they never had anything to do with the litigation and can go on for years. It would involve tracing back exposure through different employers, each employer who was pointed to as a source of exposure would certainly point to the prior employer as a more likely source of exposure, so you'd have many, many defendants in a case. This kind of long difficult cases could greatly increase the backlog of workers' comp litigation, which now is showing at 8 to 9 months, it could increase that by at least double. I urge you to vote against this bill.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House. I urge you to vote for the Majority Ought to Pass Report. Basically occupational disease is covered under the law, seldom used. If you look at the blue sheets that were just passed around, there are 14 locations of paper mill workers where those folks were tested for asbestos and I knew that the testing was going on, I hadn't received the results until just about a month ago. I was shocked, frankly, to see that 25 percent of those tested have asbestos. While these are folks that contracted that disease from working in and around asbestos, now the thing about it is that should be and is covered under workers' comp, but it takes 30 years for asbestos to kill you. For your whole working career, you're still working. You're still collecting a paycheck. What happens is a lot of these folks when they retire need a lot of medical help. Now who should pay for it? Should it be workers' comp or should it be your and my health coverage. What's happening is there's a cost shift where

people that are actually injured at work are not compensated by the workers' comp, which is a no fault system, that should be compensating workers for their medical bills, instead your health insurance and my health insurance that we pay for is paying for that. So I urge you to please vote for the Majority Ought to Pass Report. Thank you.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. During the testimony that we had on this bill, there were several distinguished people who spoke in opposition to the bill, two of them being doctors, one of them a doctor who specializes in worker injuries, workplace injuries and another who was a board certified for occupational disease doctor and they identified or talked about the difficulty in diagnosing or assessing the blame for an occupational disease case. It's not something that's easy and as the good Representative that spoke earlier, Representative Schneider, said that it's going to open this up to a lot of litigation and it's going to be a very, very expensive change in the comp law because of the litigation that will be involved in it.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. According to the amendment on the summary, the second paragraph, it refers to the employee considered to have suffered an injury and the employee knows or should know the nature and it goes on to say about the disease. Does this imply that compensation is received by the employee when they know that there might be a problem, or am I misreading this and there must actually be impairment before compensation is received? Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Mr. Speaker, Men and Women of the House. I'm wondering on these asbestos related diseases, how asbestos was proven and how many of these people were smokers?.

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House. The screening was done with chest x-rays and interviews of the workers asking questions as to whether they have smoked, what kind of asbestos did they work with, what kind of jobs they did. There was a whole list of things. I took the test myself and I came out negative, but I certainly don't have the 1,400 documents in front of me.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion. This bill is unnecessary. The State of Maine already has an occupational disease law on the books and we have had one for over 50 years, so a law already covers any

disease which is due to causes and conditions, characteristics of a particular trade, occupation process or employment and that arises out and in the course of employment. Clearly occupational disease, toxic chemicals and other things are already covered by our existing law. As the Right Honorable Representative from Durham said, this is going to open the workers' comp process in Maine, up to tremendous litigation and tremendous cost which has been estimated to at least \$5 million. This is costly. This is rolling back workers' comp and it's unnecessary. Please vote against the pending motion.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against this pending motion given there was no other answer to my question earlier, it appears to me in the summary of the bill, in the second paragraph, that this means that a worker who was exposed to asbestos, that they receive compensation even though there may be no impact from the asbestos, because according to this language the mere knowledge that there's a connection to exposure to the disease becomes the beginning of that date of injury and if you look at that as an example, this is an unreasonable requirement upon the employers of Maine to compensate for an event that hasn't occurred. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. As an employer who sometimes has to work on work related injury paperwork, I will tell you that the forms that come through my office ask is this a work related injury. Your private health insurance plan is quite active in getting reimbursed for any injuries, or illnesses that may be work related. The argument that your private insurance company will be paying for these bills does not work. The monies go back and forth based on who was responsible and where the responsibility lies. If you want to start talking about insurance, you might also note that many people are enjoying insurance because their employers help provide it or do provide it especially in all of the places that are mentioned on this blue sheet, that probably is 100 percent paid for. Having said that, I will repeat the insurance companies make sure that the bills they pay for are the ones that they are responsible for, everything else will be asked to be reimbursed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I rise today as an employer and I'm very concerned about this piece of legislation. We have been notified by our workers' comp carrier, MEMIC, that our rates are going to be going up at least 10 percent this year and that doesn't include risk factors that you have injured employees on the job. Many companies have been notified that they're going to have 20 to 30 percent increases in their health insurance costs. We have reached the bottom here as far as 1992 workers' comp reforms and the savings attached to it. The rates are now starting to go up again. We have health insurance in a crisis, many of you are aware of that crisis that we face right now. Employers cannot

bear the cost of all these increases. We understand that we have a good economy going right now that allows us to offer a lot, but as we face double digit increases in workers' compensation and health insurance, other benefits that we provide, when you pool all that together, one of those pieces has to go and the one that usually goes is health insurance because you have to have workers' compensation insurance as an employer. Health insurance you do not have to provide, so I will ask you to vote against the pending motion because as an employer don't penalize me for giving a good health package to my employees and then make me face a larger increase in my workman's compensation costs. It can be substantial. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. In response to the question from the gentleman from Arundel, when it is known to the employee that he or she may, in fact, have an occupational disease caused by employment, that's when the clock begins to tick. I'm not a physician, but I do understand what latency means and ladies and gentlemen, I guess the question that is in my mind, in response to that question by the good gentleman from Arundel, is that would you want to begin treatment for an occupational disease when it's manifested and your days are numbered, or would you want to begin treatment for an occupational disease when you know you've got an occupational disease and it may be 10 years, 15 years before you die from that occupational disease, so it seems to me that what the committee has done is the right thing. We have a latency period to deal with occupational diseases and when it becomes known to the employee that he or she may have been exposed and may be carrying an occupational disease and they will certainly die if not treated, that's when we ought to give that individual help. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. My perspective on it as in other bills this year and last year, the system is not perfect but the workers' compensation system is working well for all levels of the economy, for employers and employees, not perfectly but well and part of that reason, there are two reasons. There's some stability to the reforms that have taken place and there's a sense of balance and we see that in the workers' compensation board, 8 members, 4 from labor and 4 from management, very often coming to our committee with unanimous decision either for or against particular legislation because they've learned to work together over a period of time. Something was mentioned earlier that reading from the fiscal note on the amendment that there wouldn't be significant costs here, well there won't directly go to the general fund, because the people that are going to be paying this are the employers and as has been mentioned it would be 10 percent increase in premiums without the cost of this bill as a part of that as we move forward. It's a very dangerous thing and when we use that word balance, in terms of the overall system of delivering relief for the injured worker and the economic health of a business so that the working families of Maine have some stability in their employment. It's very important to keep in mind. There was a gentleman, we often quote from lobbyist on both sides of issues and so forth, but there was a gentleman from Bethel who came and testified at the public hearing, Bethel Furniture, which employees just under 100 people, it's a third

generation business, privately owned. The gentleman shared that he may seriously need to consider moving his business due to the cost of doing business in Maine and one of those factors is the increased cost of the workers' comp premiums and impacting the system such as the bill that we have before us. One of the things that it will impact if he's paying out more in premiums is that there will be less money for benefits, less money for raises, less money for research and development, less money to go back into the business for the working families of Maine, profit sharing and the like, so the cost is borne by the employer which comes out of potential wages and benefits for the employee. I urge you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: 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. 541

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

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

ABSENT - Bolduc, Perry, Rines.

Yes, 71; No, 77; Absent, 3; Excused, 0.

71 having voted in the affirmative and 77 voted in the negative, with 3 being absent, and accordingly the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Minority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

ORDERS

On motion of Representative MENDROS of Lewiston, the following Joint Resolution: (H.P. 1928) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: CAMPBELL of Holden, KANE of Saco, LEMONT of Kittery, MATTHEWS of Winslow, SAXL of Bangor, SAXL of Portland, WHEELER of Eliot, Senator: BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO WORK TOWARD A SOLUTION TO THE PROBLEM IN CYPRUS

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Members of the Congress of the United States, as follows:

WHEREAS, this year marks the 26th anniversary of the Turkish invasion and occupation of Cyprus; and

WHEREAS, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

WHEREAS, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

WHEREAS, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

WHEREAS, a peaceful, just and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic and social well-being of all Cypriots and contribute to improved relations between Greece and Turkey; and

WHEREAS, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, adopted on December 22, 1998 with United States support; and

WHEREAS, United Nations Security Council Resolution 1218, adopted on December 22, 1998, calls for a reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

WHEREAS, President Clinton wholeheartedly supported resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby endorse President Clinton's commitment to undertake significant efforts in order to promote substantial progress towards a solution of the Cyprus problem in 2000; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

READ.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see the supplement before you is a resolve memorializing congress to help work towards a peaceful resolution towards the situation in Cyprus. To give you a little bit of background, I'll try to be as brief as possible. Cyprus has been an entity, a nation, over 4,000 in the Mediterranean; it's a little island. It's been conquered and re-conquered many times, but it's always maintained its integrity as an entity no matter who controlled it. For the first time in its history, in 1974, part of it was conquered, the Turkish nation and now one third is under occupation and the two thirds is still a sovereign entity. It's an ongoing conflict. The United Nations has been there for 26 years providing a buffer zone. It's a serious issue that I believe needs to be resolved. I could go into more details. I will let you

know that if you look at the Resolution that President Clinton has been working very hard on resolving this and you all got a letter on your desk from Senator Olympia Snowe, who is also supportive of this Resolution. It has bipartisan support. It's a great thing to do to send a message that we think these issues should be solved rather than belabor the point. I would ask you all for your support.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **ADOPTION**.

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

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

ROLL CALL NO. 542

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

NAY - Bowles, Bruno, Cameron, Kasprzak, Labrecque, Savage W, Volenik, Waterhouse.

ABSENT - Cianchette, Dunlap, Goodwin, Hatch, Murphy E, Perry, Plowman, Rines, Rosen, Tessier.

Yes, 133; No, 8; Absent, 10; Excused, 0.

133 having voted in the affirmative and 8 voted in the negative, with 10 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1044)** on Bill "An Act to Establish the Maine Council on Aging"

(H.P. 1365) (L.D. 1963)

Signed:

Senator:

PARADIS of Aroostook

Representatives:

KANE of Saco

BROOKS of Winterport

FULLER of Manchester

QUINT of Portland

DUGAY of Cherryfield

WILLIAMS of Orono

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

Signed:

Senators:

BERUBE of Androscoggin

MITCHELL of Penobscot

Representatives:

LOVETT of Scarborough

BRAGDON of Bangor

SNOWE-MELLO of Poland

SHIELDS of Auburn

READ.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. LD 1963 establishes the Maine Council on Aging. Up until 1991 a predecessor organization did exist but was cut as part of cost containment measures in the early 90s. It was replaced later on by what is now a long-term care steering committee that had no funding and was staffed and depended on the Bureau of Elder and Adult Services for its functioning. The effect of this change was to eliminate the independence of the organization and to curtail its focus to one area of concern to the elderly, mainly long-term care. The purpose of reestablishing an independent quasi-governmental entity is to reinforce the autonomy of the oversight organization and to allow it to deal with all policy areas of concern to our elderly citizens. The function of the Council will be to consult, advise, and assist all state agencies and the Legislature in fact-finding, analyzing issues, budgets and programs. They will make recommendations and advocate on a wide range of areas of concern to the elderly. In addition, the Council will disseminate information on effective programs, or commission studies, publish results and issue publications and reports. In short, it will serve as the eyes, ears and voice of Maine's elderly, or growing elderly population, which has been absent for nearly a decade. The fiscal note on this is \$137,000. I urge your support ladies and gentlemen for the Majority Ought to Pass Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I don't believe we need another committee for the elderly. The elderly citizens of Maine already have a number of organizations advocating for them. Because of the complexity of issues facing the elderly, Maine has a number of groups with special expertise that look out for the needs of the older person. These organizations have a very successful track record and I hope to continue to support following organizations and let me just name some of the organizations that we have in place right now. We have a long-term care steering committee, we have a long-term care ombudsman program, we have legal services for the elderly, we have Maine Association of Retirees, the Maine Council on Senior Citizens; and we have the Senior Advocacy Coalition as well as the Alzheimer's Association. These agencies advocate for a wide range of elder issues including transportation assistance, meals on wheels, eye care, dental services, independent living referrals, the low cost drug program, outreach services to the home-bound, respite care, support groups, information about

entitlement programs, tax and rent refund program, reverse mortgage counseling, information about Medicare and Medicaid, information and help with the high cost of utility bills, education on the new options for electric service, information about discounted rates for telephone bills, help to pay heating bills and an array of other services used by the elderly. All members of the Legislature are very much aware of the important functions of all of these organizations and they all know about the effectiveness in providing statewide assistance to our elderly, including their very effective history of legislative advocacy. In summary, considering the extensive number of organizations that currently exist to advocate on behalf of the elderly and considering the \$13 million we have already invested in these organizations, it doesn't make sense to invest our money in anymore programs. I would like to have you vote with me and vote no, because we do not need another agency and we can use the \$137,000 on a much more needed program. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I was the sponsor of this bill to create the Maine Council on Aging. As you all are aware the elderly population in Maine is increasing dramatically as us older folks, including myself, live longer and lead more active lives. In Maine this age group is expected to grow by 19 percent over the next 20 years. We've already seen major changes in our service delivery systems to address the needs of this older population. One of the most significant groups impacting on the changes we've seen over many years was the Maine Committee on Aging, which existed for almost 40 years. I began working with this committee in the mid 70s and over the years of its existence it had dynamic leadership. When the fiscal crunch came in the early 90s the Maine Committee on Aging was one of the agencies cut out of funding. There's much to be said for an organized board that has legitimacy and can act independently of the commissioner and other people in key positions within state government. Advocacy groups are an important part of our system, but it is often difficult for them to take strong positions against the Department. The Maine Committee on Aging was very effective in bringing about major changes in state policy or creating new protections for elderly persons in a number of areas, many of which were just mentioned. A lot of those came into being through the advocacy of the Maine Committee on Aging, guardianship, home-based care, long-term care insurance standards, abolishment of mandatory retirement, and we were the first in the country to do this, the elderly tax and rent refund program, which we all recognize is so important, the low-cost drug program for the elderly, insurance protection for victims of organic brain disease and many other landmark programs for which we became national leaders, came out of the work of the Maine Committee on Aging. I mention all these programs because of the significance of the scope of activities. Certainly long-term care is a major issue for the elderly, but it is only one of many issues our elderly population must deal with. Two of the agencies that have funding and are in existence such as the long-term care ombudsman program and long-term care steering committee only deal with long-term care issues. I'm aware of the proposals for creating that committee on a long-term basis, however the scope of advocacy for that committee would be limited to long-term care and assisted living. I submit that there are many more issues affecting our elderly citizens that need to

be addressed with a strong voice in their behalf. The Maine Council on Aging would examine the broad range of issues including state tax policy, impact of utility deregulation, insurance issues, particularly as market penetration and managed care increases, housing issues, mental health and substance abuse problems among our elderly and any number of other issues of particular significance to our elderly population as the number of old, old persons increases. As you are probably aware the increase in any age group is in those over the age of 85. The other function of such a group would be to serve as a sounding board for legislators in dealing with the varying positions of the many advocacy groups out there, which were just listed by Representative Lovett. Legislators could seek information from such a group, the Council on Aging, and make informed decisions about public policy affecting our elderly. They would be speaking from a knowledgeable and provide an unbiased resource and filter for such issues. The Maine Council on Aging would identify policy and administrative issues relating to elders and inform the policy makers of the problems that need to be addressed. This is a well thought out proposal for the structure of such a council and a clear advocacy charge. I would also propose that the functions of the long-term care steering committee could be subsumed in the charge to the Maine Council on Aging. Certainly those persons who have been active in the long-term care steering committee could have a role in such a Council. I urge your support for this bill.

Representative FULLER of Manchester 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 PRO TEM: The Chair recognizes the Representative from Bangor, Representative Bragdon.

Representative BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House. I just want to stand for a couple of minutes and talk to briefly on why I don't think this initiative is worthy of your vote. As a member of the Health and Human Service Committee for the last four years, we have heard a lot about the need for quality services for Maine's elderly citizens, which as the Representative from Manchester has spoken about is a growing population. Every year we have individuals as well as the different advocacy groups coming before our committee advocating for increased as well as more flexible and more diverse services and every year we put more and more money into those services, as I think we should, but there's still waiting lists and the population is still growing who needs these services and I don't think it's appropriate to take \$130,000 and put it towards a group that's going to be looking at general advocacy issues when we already have so many groups that are already doing this service and when there's so many of Maine's seniors still on waiting lists waiting for home based services, waiting for other critical services, in need of prescription drugs and the list goes on and on. Our list of priorities ladies and gentlemen, I think we should be providing direct services to those seniors, not supporting an advocacy group that duplicates the many groups that we already have out there. I would urge you to vote against the Ought to Pass as Amended Report. Thank you.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I don't think us old folks need any more organizations to help take care of us. The state's covered

by five area agencies on aging, better known as AAA, now they have an association and they advocate for the elderly and they let us know what the elderly problems are. There's a Maine Council on Senior Citizens, that is a watchdog group, they advocate for the prescriptions and how to lower the costs. There's a Senior Legislative Advocacy Coalition that brings together many organizations to advocate for another united voice for the senior citizens. Then there are two organizations associated with long term care, the ombudsman program, which is a direct advocate, one on one with people in the long term care and they have 90 trained, certified volunteers to go into the long term care facilities on a weekly basis. Then there's a long-term care steering committee, which takes care of long term care consumers and their families and is represented from all over the state. They prepare an annual report for the Department of Human Services, so it appears to me that those are some of the organizations that will take care of the elderly and I don't think we need this bill. I hope you'll vote against it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. One of the reasons why we need an organization that can help us policymakers monitor the departments is there's a whole variety of organizations, advocacy organizations, many of them have a single purpose and have a specific agenda. Very few of them just have an objective overview of the comprehensive needs of the elderly that we have to make policy on year in and year out. The Representative from Manchester pointed out one of the great services rendered by the predecessor organization back in the early 90s and before was that it was an independent organization that did not have its own agenda, that was a research, fact-finding policymaking group that provided very objective data for our consideration. I think that the price tag of \$130,000 is a very modest investment in the benefit that will accrue to the effectiveness of our policymaking.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today in opposition to the Majority Report and let me give you a few examples why I believe that this bill is not necessary. For over 25 years the legal services of the elderly have provided free legal services for the low income. They also will help with paying for the cost of retaining a private attorney. We also have a consumer assistance hotline at the Bureau of Insurance for mainly organizations that help the elderly. In 1984 the Joint Advisory Committee on Select Services for the Older Persons was formed the committee advises the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Department of Human Services in areas of policy. In January 2000, our committee reviewed a status report on Mental Health Services for the Elderly in Maine along with their recommendations. Our own committee bill, LD 42, which I hope you all will support, on long term care establishes a long-term care implementation committee. This committee is designed to monitor and review quality of care issues on the long-term care system. So in my opinion, ladies and gentlemen of the House, I believe that our committee has done well in addressing the real concerns for our elderly. I believe the bill, which stands before us today, is redundant and not necessary. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to respond to some of the issues that have been raised by the friendly opposition. In the first place, mention has been made of a number of the independent organizations, including the Alzheimer's Association, which clearly advocates for people who are affected by this scourge. I actually submitted this bill working cooperatively with the Maine Alzheimer's Association. They felt that it was necessary to have such an organization reactivated and the bill was actually submitted in the first year of this legislative session. During the fall, the Alzheimer's Association convened 4 meetings throughout the state, Portland, Augusta, Bangor, and Presque Isle to talk about this proposal to reconstitute a Council on Aging. People attended from a broad range of knowledge bases and people that were knowledgeable about aging policy and representing a wide variety of backgrounds and organizations. One of the questions raised at these meetings was do we need such an entity and why. The consensus of people attending each of the meetings was that there was indeed a need for an unbiased, coordinating, and filtering force who could represent the interests of Maine's aging population. Numerous issues needing attention were raised, transportation, taxation, income security, elder abuse, mental health long-term care, etc., etc., some of the issues where I mentioned in my previous testimony. On the question of whether or not there are already numerous organizations that do this, there was strong consensus around the idea that existing organizations of all kinds are finding it extremely difficult to serve as effective advocates, reasons for this were stated as perceived conflicts of interest, inadequate staff or financial resources, and use of volunteers makes a consistent presence in Augusta difficult. Caregivers and frail elderly are unable to attend regulatory and legislative hearings and concerns regarding taking policy positions contrary to the agencies, which provide funding to these programs. The key benefit to the Maine Council on Aging's proposal was that it could serve an important role as coordinator and convener of advocacy action within the state and assist in presenting a coherent voice on behalf of older persons.

On the question of a new entity being organized, again there was consensus that any new entity should be entirely independent of any governmental agency, such as DHS, or DMH&MR and there was discussion, it should be a source of unbiased information and research and viewed as a resource of valuable expertise for the Legislature as they consider policies affecting Maine's older citizens, that it should have a broad based mission and that it would interact with the long-term care ombudsman program and long-term care steering committee, again I urge your support of this important initiative for the elderly people of our state. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I've listened to this debate very intently, not knowing how I was going to vote on this decision until I did hear the debate and I can say that I will be casting my vote against the Majority Report and I'm not in favor of spending taxpayers dollars in this regard. The quandary that I have is what are all of these tax dollars that we're spending for going for and who is advocating for the elderly and it's a very simple answer in my mind, we have a Department of Human Services. We have paid staff people that should be waiting on the public and additionally beyond that the advocates for the elderly are

sitting in this room. Why would we want to pay anyone else to be the advocates when that's our job?

The SPEAKER PRO TEM: 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. 543

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, 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, Williams, Mr. Speaker.

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

ABSENT - Dunlap, Goodwin, Murphy E, Perry, Plowman, Rines.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1044)** 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-1044)** and sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-624)** - Report "B" (5) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-625)** - Committee on **JUDICIARY** on Bill "An Act to Ensure Civil Rights and Prevent Discrimination"

(S.P. 840) (L.D. 2239)

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

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. In May 1997, this House and the other body passed what I felt at the time was very historic legislation. I was honored at that time being House chair of the Judiciary Committee to lead the debate at that time on the anti-discrimination bill. As all of you know in a follow-up referendum on a people's veto vote in February 1998, that vote was overturned. We are back here tonight to discuss a new bill, a bill, which is different from the one, which we passed in 1997 both substantively and in the process that it has taken. It is a bill to send to the people of Maine a referendum to vote on a new proposal for a bill to prohibit discrimination in employment, housing, credit and public accommodation on the basis of sexual orientation.

The first threshold issue, which we must lay on the table, is whether or not there is discrimination in the State of Maine based on sexual orientation. For those of you who were here in the 118th Legislature you heard us speak of the testimony that came before us from citizens of the State of Maine who poured out their hearts and their souls to the committee who told time after time and person after person of being victims of discrimination right here in the State of Maine. There can be no doubt that discrimination based on sexual orientation takes place in the State of Maine. Having said that, the question then becomes what do we do about it? Do we sit back and say under the Constitution they are not a protected class so we will do nothing? Do we sit back and say that we have tried that before and it was overridden in 1998 so we will do nothing? Shall we say that the people that I know who are homosexuals have good jobs so we will do nothing? Do we say that I have never seen anybody discriminated against so we will do nothing?

I say to you that I am here to do something about it. I am here to do something about it because it is the right thing to do. It is the right thing to do because none of the citizens of Maine should be subjected to discrimination as people have been subjected to time and again. We have before us a proposal that is different in several respects from the bill, which was passed by this body three years ago. It has clarified some issues, which were used in the debate against that proposal. It has clarified the bill to show that there are no special rights being given here. It does not condone sexual behavior. It does not condone sexual attraction or conduct between an adult and a minor. It doesn't set any job quotas or anything like that. It doesn't require benefits to be given to domestic partners. It also exempts religious organizations from the bill. The purpose of that exemption is to eliminate the conflict between upholding the rights of some as opposed to the separation of church and state issues. The intention is to eliminate that argument and to say that exemption is in there so that church organizations can be exempt from this bill. It is a different bill. To some they would say that they are not going to vote for this because it has exemptions and therefore, it is not a perfect bill. To them I would say that the voting rights act of 1964 or the civil rights act of 1964 wasn't a perfect bill either, but it passed and it helped. If this is passed, it will help. It will help to end discrimination in the State of Maine.

This is not a proposal that is just being supported by advocates for the gay and lesbian community. I am going to take a couple minutes of your time to tell you about the people who are supporting this bill that provided written testimony to the Judiciary Committee. People who many of you respect and whose council you often seek on legislative matters. They are the Maine Women's Lobby, Maine State Nurses Association, Family Planning Association of Maine, Planned Parenthood, the American Cancer Society, the Maine Children's Alliance, the Maine Association of Independent Neighborhoods, the Maine Chapter of the National Organization for Women, a resolve by the City Council of the City of Bangor, the Maine Psychological Association, Sheriff Mark Dion of Cumberland County, Maine Trial Lawyers Association, the Holocaust Human Rights Center of Maine, the Maine Council of Churches, the Maine Civil Liberties Union, the Maine State Chamber of Commerce, the Maine Human Rights Commission, the Maine Medical Association, the Religious Society of Friends, the Maine HIV Advisory Committee and others. A cross section of people from the State of Maine who all believe that it is not right to discriminate who believe that the bill before you is a solution to that discrimination and who all agree that what we are doing today, a vote to send this matter out to referendum, a vote to send it to the people that you represent, a vote to have that referendum held at a time when more people from the State of Maine will turn out than in any other year, which is a presidential election year, to get a true reading from the people of Maine as to how they want to vote on this issue.

I know that many of you, perhaps some that haven't voted on this issue before think about the political risk involved perhaps in voting for this coming from conservative districts or having heard from some constituents. I would also tell you to look around at those of us who have been there and have done that and we are still here. Don't let this be the issue where you consider the political risk and use it as a reason to vote against a bill that you would otherwise vote for. This is a bill to stand up and be counted for. A chance to join in the chorus of people who are saying it is the right thing to do. Now is the right time to do it and do it we will. In my opinion, 10 years from now, we are going to look back on this and it is going to have been in effect for 10 years and we are going to wonder what all the hullabaloo is about. It is not going to change society, as we know it. It is not going to change life, as we know it. It might just make us in the State of Maine a better place to live for everyone in the State of Maine. I ask for your support on this report.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. I don't feel the need to discriminate against anyone for any reason. Discrimination is hurtful. It serves no useful purpose. It only creates animosity and anger and fosters hate. The Maine Constitution, Article 1, Section 1, reads as follows, "All people are born equally free and independent and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and of pursuing and obtaining safety and happiness." I find it to be despicable that we are here having this debate again. It is just unnecessary except discrimination occurs and it is wrong. If you believe in the Bible or in a higher being, then we should be practicing the golden rule. Do unto others, as you would have them do unto you. I don't think anyone in this chamber would

want to be discriminated against for any reason or for any purpose. I also would remind you of the Law of Moses or the Ten Commandments. "Love thy neighbor as thyself." After all, we are Gods children and are made in his likeness.

This, if approved, will go out to referendum in November. It simply prohibits discrimination in employment, housing, public accommodations and credit based on sexual orientation. People should be employed based on their job skills and other credentials, not because they are gay or so-called straight. They, too, should be fired if necessary based on job performance, work ethic, lost time, etc., not because of sexual preference. People should get housing, whether they be public accommodations or rentals based on their ability to pay or other qualifications, not for any other reason. We all need housing, you know, protection from the elements.

No one should be denied credit because someone thinks they may be of a different sexual orientation. If a gay person happens to be the lending officer and he or she thought that you were probably heterosexual, you would not be happy because he denied your loan based on his perception or bias of your sexuality.

If you practice or condone discrimination, you don't know what that may affect. You may have gay or bi-sexual neighbors whom you love dearly. Their children may be gay. Your doctor, dentist, lawyer, repairman or mechanic may be gay. They provide a service to you. Don't allow yourself to do a disservice to them.

You may have family members who are gay or bisexual. They could be your children, grandchildren and even those yet unborn. I don't believe that you want this group of people discriminated against. I don't want anyone in this country, especially this state to be discriminated against. Let's send the message, Maine won't discriminate.

I don't feel that I have the right or was given the authority to decide who is in and who is out, relative to their sexual behavior or preference. I'll leave that up to God. In the meantime, I'll try to be fair and equal in all my transactions with mankind, as we all are going to be judged on the last day.

This is not a perfect bill. It is a compromise worked out over this past year. It was generated because several legislators had submitted bills relative to equal rights. A single bill was drafted. LD 2239 is before us today, having passed yesterday in the other body. I urge you to pass this bill by voting with your heart and mind, allowing this question of equal rights, not special rights, to go to the voters in November. Thank you ladies and gentlemen for your time.

Representative **BULL** of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I am very proud tonight to rise before you in support of the pending motion. As a member of the Judiciary Committee, this has been an issue, which has been a high priority for me. I break this down to two major categories of reasons to support this. The first reason I see is logic that we have had two statewide votes on the issue of civil rights for gays and lesbians. The first was in the fall of 1995. Question one, it said that there would not be any state or municipal ordinances providing protections to gays and lesbians. For many people that was a

rallying cry in the battle over civil rights for gays and lesbians. Many people fought that very, very hard successfully because they saw it as an attempt to deny basic human rights to them. That was won by the proponents of the civil rights for gays and lesbians. Of course, in February 1998, we had the actions of this body overturned in the people's veto. If nothing else, you can see that hopefully this referendum this fall will be the tiebreaker. Once and for all the citizens of Maine can decide in a statewide vote whether or not gays and lesbians should be provided the same civil rights as other members of our society.

Some people argue that the people have spoken in February 1998. I question that argument when you look at the voter turnout as being only 30 percent and roughly half of the people that came out to vote on that winter day when there was only one issue on the ballot. Basically what we are saying is only 16 percent of the people of the State of Maine voted to deny equal rights to gays and lesbians. I do not see that as the will of the people. We need a vote and we will get a more definitive answer and this November will offer that when we have a likely turnout of closer to 70 percent. For me, the more important issues are what is in my heart.

For me, this is painfully the right thing to do. It is appropriate today that we are debating this bill for it is the anniversary of the assassination of Doctor Martin Luther King, Jr. Martin Luther King, Jr. dreamed of a day when our society would not categorize people and would judge all people equally. Unfortunately that dream is still unfulfilled and we are still working for and striving for the day when all people are judged upon the content of their character. This bill is just one more step towards achieving that dream and that goal.

As the good chairman of the Judiciary Committee stated, discrimination is happening here in Maine. There is no question in my mind that discrimination is happening against gays and lesbians here in Maine. People are being discriminated against in terms of housing, employment and in terms of credit for actual or perceived homosexuality. This is fundamentally wrong. This bill will not entirely end discrimination and hatred against gays and lesbians, but it will send a strong and powerful message that we, the State of Maine, do not condone discrimination against gays and lesbians. We respect all people despite their differences in that they are part of the greater society and the greater fabric of this state. We acknowledge that there are differences and we will not condone discrimination. We will not allow discrimination to be legal against gays and lesbians. We will send a strong, powerful message to young men and women who so often come to terms struggling with questions of their sexuality will see through this action that, no, they are not monsters. They are not perverse. They are simply different.

When you take time to vote on this issue I ask you to think to yourself if you have a relative, a son or daughter, granddaughter or grandson, a niece or a nephew, a close neighbor who happened to be gay, how would you want them to be treated by society? How would you want them to be perceived by society? I urge you, ladies and gentlemen, to please let us support the Majority Ought to Pass Report. Send this issue out to the voters once more and send a loud and clear signal that, no, discrimination is wrong and we do not condone it or tolerate it here in Maine. Thank you ladies and gentlemen.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I would suggest to the colleague of

mine on the Judiciary Committee, the Representative from Freeport, that he send the beginning of his speech to the US Census Bureau and tell them to stop categorizing people. If he takes a look at the census form that people have to fill out now, they certainly do that. I am speaking against the passage of this bill from several points. When we first debated this bill, I think it was in the 117th for me, I have always taken a pragmatic approach with this piece of legislation. To answer a couple of the speakers earlier, I do have friends who are gay. I do have family members that are gay. In fact, one of my family members who is gay is a CEO of a company. He has a very good job, thank you very much. When I debated this bill in the 117th, I said all the evidence I ever saw in discrimination for jobs, housing and credit were anecdotal. I based that on what I have seen in my 57 years that I have lived so far. I have never ever heard from anybody that, oh by the way, Fred or Mary lost their job last week and I would ask why did that happen? They never said that it was because they found out they were gay. Fred or Mary lost their house or apartment. By the way, they lost it because they were gay. Fred and Mary couldn't get credit or a loan and by the way, it was because they were gay. I don't know where everybody else lives and what they have heard in their personal experience, but I guess I haven't been around. I have been all over the World and been in a number of states. I never heard that. Does it happen? Possibly. Does it happen to some people we know? Could be. I made the argument back then and I make it now. It does not rise to the level for this piece of legislation.

My good friend, I do call him that because I consider him a friend, the Chair of the Judiciary Committee. When we had the debate in the 117th, he got up and said when he was younger he had picked on gays and he was ashamed of that. I can tell you right now, ladies and gentlemen, I have never picked on gays and I never will. If I was to hire somebody to work in my business as a carpenter, Waterhouse Carpentry, the preeminent qualifications would be that they are a good carpenter. They are dependable and trustworthy. I think most people in business, if not all people that I know unless they don't want to make a good living in their business, are going to respond that way. The very argument that is made is defeated when you look at the people who are backing this legislation. We have all the business communities. I would dare say that the business communities who are practicing discrimination at this level, they wouldn't be supporting this. We had a bill up here. We passed it. Some people gathered a bunch of signatures for a people's veto, which is a pretty tough thing to do. The wisdom at that time was we hope there is a large turnout because if there is a large turnout, it would be in favor of passing a gay rights law. There was a larger than expected turnout for that type of election and this bill got overturned by the people. We saw an effort to change the people's veto time from the side that didn't like that result and that got passed. Now we are asking to send this out again to the people because we didn't like that result. I would be willing to say that if the law had not been overturned by the people's veto, we wouldn't be here, obviously, doing this again. We want to send it out at a better time so more people will vote. Nobody was keeping people home. This issue has been out for at least, as far as I know, at least 20 years that this struggle has been going on. It certainly was well advertised in the press, TV and everything else. People didn't have to stay home, they could have got out and voted. As far as a certain percentage of people voting for this or against this, take a look at our presidential

elections in the last 10 years or whatever and look at the percentage of vote that put presidents in office. It is certainly way below 50 percent.

Do I think people should be discriminated against for any reason? Absolutely not. I wouldn't tolerate it. We did have a bill before us in the Judiciary Committee not too long ago from a group of people who wanted to be included in the Civil Rights Act. I think everybody remembers who they were. They were motorcyclists. The committee unanimously turned that down. They came in front of us and gave anecdotal personal stories and I have no reason to believe that they weren't true stories. They were anecdotal stories about being refused accommodations for housing and even going into restaurants and having a meal. We rejected that. We didn't think they made a good argument for that. My whole contention on this piece of legislation from the get go since I have been up here is the case, for me, has not been made. Is there people who pick on people because they are different? Sure. Some of them are pretty violent and that is why we have laws to protect people against people like that. The good Representative, the Majority Leader, in the corner, had a bill not too long ago to increase and enhance the penalties on stalking. I was a cosponsor on that bill. I believe in punishing people when they do wrong.

This piece of legislation, as far as I am concerned, has never been required. As I look around in the gay community, in my area and every area I have ever seen, in the national call and the gay community it is, "We are everywhere." They are everywhere. We have legislators who are gay. We have doctors who are gay. I have a friend across the street that works in the Northern Cumberland Memorial Hospital. He is a lab technician. He is gay. Show me a segment of society that is shut off from the gay community. You can't do it. As much as it may be emotional and as much as you may heard stories from people who come up and say that I was discriminated against. In society at large the case has never been made to me that this is required. That is the number one reason that I wouldn't vote to support this.

The second reason is the people have dealt with this already. You didn't like the turnout, you figured not enough people turned out to vote the way you wanted them to vote, so now we are going to send it out there again. I don't think that is the proper approach and I hope you will vote against the pending motion. Mr. Speaker, I move this bill and all accompanying papers be indefinitely postponed.

Representative WATERHOUSE of Bridgton moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative COWGER: Mr. Speaker, Fellow Members of the House. Once again, we stand on the threshold of a very important piece of legislation. One that this body has strongly supported before and one, which I personally hope we strongly support again.

As I reminded many of us two years ago, we take a pledge every day in this body. We pledge allegiance to the principles upon which our country is based when we take the Pledge of Allegiance prior to each day's session. We pledge to uphold one of the basic beliefs that makes us truly American, that of liberty and justice for all. LD 2239 is explicit in granting basic civil rights to all Maine citizens regardless of a real or perceived sexual orientation. There are no special rights granted to any group and

this is specifically spelled out in the bill. If you believe in civil rights for all individuals, then I ask you to join me in support of this legislation.

But I wanted to touch specifically on an area of personal interest, which is that of tourism. As an innkeeper, I would be responsible for the implementation of this law. I have heard concerns that this law would be difficult to enforce since it is difficult to identify someone's sexual orientation. The easy answer to this issue is, it doesn't matter. As someone who welcomes guests to my Bed and Breakfast, I can't discriminate against anyone regardless of their orientation. Just like I can't discriminate against anyone for the reasons enumerated in the Maine Human Rights Act. This bill protects everyone and does not single out a special group for unique treatment. Enforcement is simple, just treat everyone with equal respect.

Maine is the last state in New England to adopt equal protection for everyone based on sexual orientation. With a biennial budget that does not contain any increase for tourism funding and with gasoline prices approaching \$2 a gallon with summer right around the corner, not passing this legislation will surely have an impact on our tourism industry, the second largest economic base in the state. Do we want to be known as the only state in New England where discrimination is still legal? I don't think so.

The Executive Director of the Maine Tourism Association said it best when he said, "Any form of discrimination has a very detrimental effect on our tourism industry and our image as a friendly destination." For the sake of the business economy in our state, I ask you to join me in supporting this significant piece of legislation.

Would I like to see a cleaner law without what appears to be extensive exemptions and the requirement for a statewide referendum? Sure I would, but our country is based on the fine art of political compromise. Concessions had to be made on both sides to develop a bill that most Maine citizens would readily support. I applaud the efforts of both sides who participated in delicate negotiations to create the legislation now before us.

Maine people indeed spoke, though softly, when the civil rights legislation passed by the 118th Legislature was repealed in a statewide referendum. That is the reason why, first, the exemption language and other changes to the legislation had to be negotiated, and second, why the bill must be sent out to the voters before adoption.

Yes, I do think there could be a cleaner and more comprehensive piece of legislation, but this LD is a finely crafted document that deserves our support. Thank you Mr. Speaker.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I supported this similar legislation in the 117th and the 118th. I am going to vote for it again tonight, but this bill is poorly written in a lot of ways, as other people have said. The church exemption is almost unconscionable in my opinion, but I am still going to vote in favor of the bill because we can't discriminate against people. We know that in our hearts. We can stand here and talk from our heads until the cows come home, but we know it is not right.

The church exemption is poor in one major way. It discriminates in a way, the very bill, the anti-discrimination bill discriminates against, for example, the small mom-and-pop stores that might have strong religious feelings as the big church

or the people in the church. That really bothers me. I understand why it came about, but it bothers me. Is it discrimination? People wanted examples. Four years ago we had a teacher here from down east. She told me she knows she was fired because these people found out she was a lesbian. I had no reason to doubt her. In the very town I lived in, there was no formal movement to oust anybody from school, but I will tell you there were a lot of rumors about a person in the school and about that person's sexual orientation. There was a lot of talk about not wanting to have kids exposed to that person. We know that goes on. Should we send it out again to referendum? That bothered me for a while. I have to agree that the last time it went out there were so few people voting that it wasn't right. These types of things ought to always be at the general election. This one should be.

The question, how many times should we keep sending it back out to the people? I think the answer is until it takes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I want to thank you for allowing me just a few moments to talk to you in what I had always actually hoped and what I am not going to promise, but I do hope will be my last floor speech here.

The great moments of our time make us uncomfortable. This moment right here is exactly why we were all elected. I encourage you tonight to embrace that discomfort as difficult as that may be. We are good people here. We don't hear it a lot. No matter where you are from, no matter what party you are from and no matter what side of the aisle, north, south, east or west, you care about people. You wouldn't be here if you didn't. What is the issue? Unfortunately, many men and many women don't save their judgment for God. They exercise it on Earth day to day. The beauty of America and the beauty of the State of Maine is the vehemence that we pursue our disagreements and the extent to which we are allowed to pursue those disagreements. This body is not the place to change long deep help beliefs in our society. This body is the place to discuss and to change the repercussions of those beliefs and the repercussions of those beliefs among those constituents.

Basic civil rights in the 1960s weren't asked for because people of color looked at themselves in the mirror and said they are a lesser man. People of faith who ask for protection didn't achieve protections of law because they looked at themselves in the mirror and said I am a lesser woman because of that faith. Our citizens who are physically handicapped and looked for the physical access to the plan in the landscape of America didn't do so because they looked at themselves in the mirror and said that I am not good enough to go there. Women weren't denied the right to vote for years because they looked at themselves in the mirror and said that I can't contribute to the political process.

Ladies and gentlemen, Mr. Speaker, it is because those limitations were placed on them. They were placed on millions of Americans, not by them. This case is no different. Last year I mentioned a group of Senators in the US Senate in the 1960s who later had to look their children in the eyes and explain why they voted against the Voting Rights Act and the Civil Rights Act. The answer was simple for many of them. Like those of us who serve here tonight, they disagreed, but more than anything else, they were uncomfortable. They weren't ready and their constituents, they felt, weren't ready for that night and that vote.

We are at a huge disadvantage here today because we are being asked to do two very difficult things. We are being asked to sit in judgment on today's law and how it will be applied while opening a case that allows history to sit in judgment on us. I will relish this day when I am with my grandkids that I can reflect back on the votes of my day and assure you of one thing. You will not reflect back on the decisions you made on harness racing, lobster traps or even my passion, proper sewer district regulation. You will reflect back on the votes that had the opportunity to change the law of human lives for the people of our wonderful state. The staples of life, housing, financial security and employment should never be subject to interpretation or deliberation beyond the talents and the abilities possessed by those seeking them. Embrace this moment tonight and enjoy this moment tonight. You will never have another one like it. I thank you. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In 1993, the first year that I was in the Legislature, the Judiciary Committee took this bill up. In 1993, I said that nothing that we could pass here was going to change the way people feel in society. It is going to take people getting to know one another, each other's issues and to understand each other before this can change. That is the way it has worked for every other kind of discrimination that has come before us. People do not willingly accept an order from the government to suspend discrimination. It must happen first within themselves. What you pass here tonight will not stop discrimination. For the people who don't want to be told, it won't change their hearts.

In 1993, the Attorney General's Office documented 58 complaints filed by gays and lesbians. In the years following, that grew. In the time that we have discussed this, quite thoroughly, which is since 1998, the number of complaints have dropped. Last year 36 were filed. What happens? Here, nothing. It was not the law. It was the discussion. It was people learning and starting to talk about the issue and understanding one another. It wasn't the law that brought people to understanding people better. It wasn't an order from the government. It was the discussion that followed each and every vote in this House.

I will tell you that the NCLU dropped its support of this bill once the compromise was brought about because it brought discrimination back into the bill. I will tell you that it does bother me that we are trying to pick the timing that this will be voted on. This bill was put in in December of the year we were elected, 1998. It saw the light of day the week before we adjourned in 1999. For reasons known only to the sponsor and members of the Council, this sponsor, unlike the rest of us, was allowed to keep in his pocket a bill for six months because he didn't like the timing of the next election because partial-birth abortion was going to be there. I imagine he wished he had let it go then, because he would have liked the turnout and he would have liked the results.

For people who like to talk process, the bill has already been processed to be special. I object to a member on that as a member of this body who had two days to turn in bills or three days. That is okay. That is discrimination, but it is not something that is against the law here. It is only against the rules. I will tell you that the daughter of Martin Luther King came here and said that this was not an issue of equal to the civil rights that her own father had marched and fought for. You can

pass this tonight and it will go out to the people and it will cause controversy again. It may or may not pass. You will have a great turnout and you have done everything that you said that you didn't want to do. You timed it special. You put discrimination back in it. You will force people to see a law, but never make them in your hearts understand why there is a law. People don't understand that when you are in your church you can have one belief and when they are in their mom-and-pop store they can't, even if they do, which is going a ways.

From 1993 until now, the discussion has worked. We have seen a huge decrease in the number of complaints filed. I would rather see it happen within people than without. I am going to ask you to please vote to Indefinitely Postpone the bill. Thank you.

Representative SAXL of Portland **REQUESTED** a roll call on the 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 Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. As occasionally happens on this floor, the words of your colleagues can be sometimes rather inspiring. I remember two years ago I stood up about five minutes after my friend, the Representative from Brunswick, spoke because I was inspired by his words and I am so again tonight. I am inspired by so many of the words that I have heard. I really hear people expressing what is the very best about them, their character and about what we do in this institution. I thank the Representative from Freeport for talking about Martin Luther King. I sat here this morning and I pulled off every speech that I could find from Martin Luther King and I read them. I shared them with my colleagues behind me and I enjoyed them. One of the things that he said that stuck with me and that I want to share tonight is the ultimate measure of a person is not where a person stands in moments of comfort and convenience, but where a person stands at times of challenge and controversy.

The Representative from Hampden is very right. This bill has been before this body many times and in many different ways. As some of you may not know, some of you who are newer to this chamber, it is debated in the evening because of the nature of the first debates, because of the graphic nature of the first debates, the lowness of the first debates. Through this process I think we have all evolved as a chamber. I think the Representative from Hampden is right. We do have to change our hearts, each and every one of us. Until each and every one of us can change our hearts and until those 36 people who have been the victims of crimes based on hate due to their sexual orientation are no more. We have a moral and an ethical responsibility in this body to stand up to them. We have a responsibility to step up to the plate tonight to make sure that nobody in this state is denied access to housing, accommodations and finances because of their sexual orientation. Should we repeal it based on color or age or religion or ethnicity? I think not. I think the State of Maine is a better place today for those protections in the Human Rights Act.

I refuse to accept the premise that we, in this body cannot have an impact on the lives of people in the State of Maine. I refuse to accept that we cannot influence people's behavior and their decisions. I refuse to believe that we should not be responsible as leaders in the State of Maine to try to say what is

right and what is wrong. Two years ago I recounted something that is very personal to me. It seems important to do it again tonight because of the Representative Waterhouse's comments about whether hate exists in the State of Maine. I live in the west end of Portland and there are people of all ethnicities and of all sexual orientations and of all ages and religions. Let me tell you, almost always, it is the most wonderful and enriching place to live in the world. I love my community. I love it for its diversity, but sometimes it is not. Hate crimes do occur there. They occur based on sexual orientation based on race and based on lots of different things.

When I was a kid living in Bangor I had two very close friends. One of them I played hockey with since the age of five. Another one I rode bikes around my neighborhood with and played on the senior little league baseball team. One night when I was a senior in high school they went out and they beat a man because of his sexual orientation. They not only beat that man, but they threw him over the railing on a bridge. They not only threw him over the railing on a bridge, but they killed him. Charlie Howard. Remember that name. It is not a name you think back on and say that that is the way Maine should be. Hate exists in Maine. I bear witness tonight to say that that is wrong. We have an obligation in this body to rise above the worst in this state and to fight for what brings us together for our common humanity. We have an obligation to look, as Doctor King said, at the content of a person's character when we make judgments. I hope that you will defeat this motion to Indefinitely Postpone and make this one of the proudest nights of your career in this institution. Send this back to the people of the State of Maine that go door to door with me and with so many other folks and make sure that this piece of legislation passes, the work that Jerry Conley started so long ago, that Jerry Talbert started so long ago and that Jerry Conley, Sr. started so long ago, become law in this chamber. Bear witness with me tonight to make life in Maine the way it should be. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I feel as though I have to respond to the good Representative from Portland, Representative Saxl. I, of course, realize that hate exists. It exists everywhere, not just in Maine and that is why we have laws to protect people from people who exercise that hate violently. That is why we have a criminal code. As far as his friend being thrown off the bridge, we have laws to punish people for doing that, no matter who you are, whether you are gay or anything. I think that is comparing apples with oranges. As anybody who knows who has been up here since the 116th when I was on the Criminal Justice Committee and people who dealt with me when it comes to the criminal code. I am very strict in that area. As I mentioned earlier, the good Representative had a stalking bill. I cosponsored that to enhance the penalties on that. We are not looking at the same thing when we are talking about this bill and what the good Representative was just talking about. Anybody who wants to increase penalties on criminal conduct, come and see me. As far as his friend being thrown off the bridge, if I had my way, the people who were responsible for that would have gotten the death penalty if that was appropriate.

The good Representative, if he remembers, when he first came up here and I think it was halfway through the session in the 117th, he approached me for a bill dealing with hate crimes. We had a conversation. He talked about being assaulted. I

explained to him that I would be more than happy to support his bill if it dealt with premeditation. Somebody who got together and said let's go beat somebody up, premeditated assault. When I was in the Criminal Justice Committee in the 117th we did a lot of things on enhancing the penalties. The good Representative, Representative McAlevey, had a bill to enhance the penalties for gross sexual assault for somebody under 16 so forth and so on. We are not talking about the same thing here. Nobody supports anybody using violence no matter what their cause. That is not a really good argument to make here on the floor. I dare say there isn't one Representative standing here today that supports people getting away with that type of activity. Thank you.

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

Representative QUINT: Mr. Speaker, Esteemed Colleagues of the House. I stand tonight and respectfully ask for your support of LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination" and its accompanying amendment and to vote against the pending motion to Indefinitely Postpone. I struggled long and hard over what to say today, even under the best circumstances, it is not easy for me to say publicly to tell people I am gay. I am proud of who I am and cannot separate the pride of being who I am for the commitment to serve the citizens of my district and the state. LD 2239 directly affects me as a private citizen as well as the voters in my district. I am going to share with you a bit about myself before I explain my involvement in the amended LD being debated tonight.

I was born in Houlton up in Aroostook County. I attended Maine schools and lived and worked in Maine my entire life. As a child, several weekends every month, I spent time at my grandparent's dairy farm in Hodgdon doing the chores, milking the cows, feeding the pigs and playing in the hay barn. As a teenager I picked potatoes so I could help my parents buy my school clothes, went hunting and fishing with my dad in the Haynesville woods and shot my first pheasant at the age of 12. I participated in sports, was a average student and packed groceries at the local IGA after school and on weekends so I could save money to go to college. I moved to Portland to attend the University of Southern Maine. Fifteen years later I decided to run for the Maine Legislature and was elected to be the Representative of House District 33.

I briefly described my life because it is typical of many who grew up here in Maine, but unlike most of my childhood friends, legislative colleagues and a majority of the people of Maine who were born and raised here, I find myself actively advocating for equal protection under the Maine Human Rights Act and a small part on behalf of myself, but also for all the gay/lesbian, bisexual or transgender citizens of Maine. We, myself included, are only asking not to be discriminated against in accommodations and credit. I stand before you today to say that discrimination against gay men, lesbians, bisexual or transgender individuals is an insidious and corrosive force in the State of Maine, discrimination happens every single day. I know it because I have seen it. I have experienced it and I still carry around the fear, even the expectation, that it could happen to me at any time. Many of my constituents and friends have shared with me personal experiences of being discriminated against and denied housing and employment opportunities simply based on their sexual orientation. They live in the constant fear of reprisal and concerns for their job and housing.

I will try to briefly share my involvement in LD 2239 as amended. Most of you will recall that LD 1116 was passed by both the House and Senate in the 118th Legislature. Most of you will recall that the Chief Executive signed the legislation and most will recall that on February 10, 1998, approximately 15 percent of eligible voters in the State of Maine, voted in favor of a people's veto, which nullified the actions of the Legislature and the Governor. The First Regular Session of this Legislature, Senator Abromson from Portland, introduced LD 2239 and the Judiciary Committee held it over to be considered in this session. During the interim, the good Senator from Portland contacted the Roman Catholic Diocese Director in the Office of Public Affairs, Mark Muddy. Senator Abromson asked for a meeting to discuss the possibilities of the Diocese changing the neutral stance it took on LD 1116 to support for LD 2239. The Diocese embraced the idea and invited Senator Abromson, the lobbyist from the Maine Lesbian and Gay Political Alliance, Attorney Susan Farnsworth, Father Henschell, a former Chancellor of the Diocese, an outspoken and public opponent of LD 1116, Lewiston Attorney Michael Poulin and myself, an openly gay Catholic legislator, for lunch at the Chancery.

Initially the meeting was extremely tense. There was a great uncertainty of whether common ground could be reached. Both sides learned a lot and gained an understanding of one another and the first lunch of very candid discussions. During seven to eight often long meetings over four to five months resulting in the announcement on January 4, 2000, that the Roman Catholic Diocese, MLGPA and the bill's sponsor had agreed upon language for the revised LD 2239. Following that announcement, other groups and organizations from the Christian Coalition to the Maine Civil Liberties Union offered suggestions. All were considered and some were incorporated into the bill before you now.

This bill, in one form or another, has been introduced to the Maine Legislature virtually every two years since 1977. It will not go away until, or unless, discrimination on the basis of sexual orientation goes away. Let us take another and hopefully final step towards that goal. I urge you in joining me to support LD 2239 and vote against the motion to Indefinitely Postpone this bill.

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

Representative WILLIAMS: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to be able to rise to speak on this issue and consider myself privileged to have been afforded the opportunity to be a cosponsor. I think from what we have heard thus far, one area where there seems to be some agreement is that this is a tough issue. I might parenthetically add at this point that I am impressed and inspired at the level at which this debate is occurring. I, like many of you, have struggled greatly with this piece of legislation before us. The Representative from Hampden, Representative Plowman, posed a very interesting question. I will paraphrase, but it was something to the effect of why is it that we have to ask our citizenry to believe one thing in their church and another thing at their local mom-and-pop store? It is a very interesting question. I don't think there is an easy answer except to say that we live in a chaotic and crazy world sometimes. It is very difficult, often, to stay focused. To do that we do a variety of techniques to help us make sense of the world around us. For some, it is religion. For others, as we have heard this evening, it is the teachings or the writings of a particular philosopher or school of thought. For

businesses and organizations, they use what is known as a strategic plan or a mission statement. For us as legislators, our mission statement, if you will, is our Constitution.

We had earlier heard from the good Representative from Southwest Harbor. One sentence from the Constitution sort of outlining why we are having this discussion this evening. For me to better understand this issue, I also turned to the Constitution. It is not a document that I would ordinarily turn to. In this context for this purpose, I didn't. I read the section on natural rights, but I also read very shortly after the section in our version that is boldfaced, Section 6, "Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof." I don't know how that can be interpreted any other way.

Ladies and gentlemen, I urge you to stand up for a segment of our society that has been discriminated against for years and have the courage to do the right thing. Thank you.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. What I know is that the longer I move through life and it is sometimes a difficult road, as you well know, there is acrimony in politics and tragedy sometimes in private life. What becomes more important to me, and I think to you, are those small acts of kindness and decency that make us feel connected, cared for, respected and loved. We Americans want fairness. We want a fair shake. We expect it from others and we just want an opportunity. We also want to be free to live the lives we have imagined.

I wish you all could have been there at the public hearing. The moving stories that we heard on this bill, the cruel tormenting of young school children, the years of terrorizing by a neighbor of a woman and her partner, a grandmother's pride in her grandson's coming out. These stories show the need for these protections and they demonstrate, as Frost wrote, that at a fundamental level, "We love the things we love for what they are." Our brothers and sisters, just like us, yet not just like us. Again, they ask for our help. You know them and you don't. They are your relatives, your neighbors, people you come into contact with, and regrettably those who don't dare to tell you what they are all about, but who are counting on us tonight.

I am proud to be a cosponsor of this bill. I am proud of the brave supporters who testified. I am proud of the wonderful coalition that was forged by the Diocese, other religious groups, the MLGPA and other advocates who put aside past differences and worked to find common ground for civil rights. I salute them. I urge us to gain strength and encouragement from their work and ability to find common ground and to say yes again to civil rights protections for all Maine citizens. Let's affirm the dignity and worth of every Maine citizen.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. I have been one of those individuals who has rented apartments. I have rented apartments for 30 years. I have rented to people with Mexican descent, Irish descent and Italian descent, to the best of my knowledge, and probably to lots of others. I probably rented apartments to gay men and to gay women. I never bothered to ask that because most of my tenants have been very excellent people. I have had

people set fire to my apartments. I have had them grow marijuana in my apartments. I have had their dogs defecate in my apartments and left for me to clean up. I have had people leave and leave me with the bill. I have lots of things happen to me. I can tell you that I have never had a bad experience with gay women or gay men to my knowledge and perhaps I never realized that. I don't know. Evidentially, I have been under the illusion for these past 30 years that the laws of discrimination were already in the Constitution of this country and already in the Constitution of this state. To me, it is very difficult now for the state to come along and tell me again what I perhaps already know and perhaps what I had already assumed. That bothers me just a little bit. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. First I would like to praise Representative Quint and Senator Abromson. They have at least tried to solve a very contentious issue. I think they deserve credit for that. Something troubles me about this bill. When it first came out I was relieved. I am a Roman Catholic and I said that it was solved. I have read this bill perhaps 30 or 40 times. I am not going to vote for it. My father and mother were born into the Catholic Church and both sets of grandparents were born into the Catholic Church. I am deeply disturbed by my church that exempts itself from the law. That is why I am going to vote against it. I am also a former civil rights worker and a former peace corp. volunteer. I feel I have those American values and served my country overseas and so on. I am not for discriminating against anybody. I believe in equality. In this bill in one area it says we are not going to grant affirmative action, but then it goes on and grants affirmative action. You business people are going to have to watch your step when you hire, tenure, promotions, transfer, compensate, conditions of employment, recruiting and so on. I am for equality. I believe in the United States Constitution and I believe in natural rights. I think this bill is flawed with my church being in it because it exempts itself. That is a major flaw as I see it. Thank you Mr. Speaker.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I rise tonight to talk about this bill because what it is speaking about is behavior, the behavior of some people towards others. Without a change in the law the behavior will not change. I am fortunate that in living a long time that I have been in a lot of circumstances whereby people would say something that would be very hurtful to someone else. Living down south I was told that blacks are treated just as well as the whites. The law did not protect the blacks and so, in fact, the behavior of the whites was tolerated. Good white people would find it difficult to stand up and argue about those laws. I am not telling you anything that you don't know. It is true. When I was growing up many years ago, if someone acted out sexually that was bad in the community, they were put away. Not everybody knows that. Stevens School was there because of girls who were bad and there was no one to stand up for them. They went there so that their behavior would not be repeated. They stayed there until they were 18 and they learned a trade. When they came out, if they worked well and did not create a problem, they became part of regular society. I didn't even know that until I ran into someone who told me that it happened to her. Again, it was

someone's behavior that other people did not like. They put her away. We know many stories about youngsters that were seen as different and the families put them away. They put them in Pineland. They put them in Bangor. They put them at AMHI because they were different and it was okay under the law to do that. People were taken advantage of.

When children called names to other children, they are taking advantage of that other child. That is exactly what they are doing and it is okay until somebody stands up to them. It is okay until some adult educates them as to why that is wrong. We are talking about behavior, the behavior of some to other that causes them to not feel equal. This will not change. Yes, we are good people. Yes, there are a lot of good people. Some people think it is okay to name call, take advantage of other people and in sly ways make other people feel bad or to not give them something that they should be having, i.e., don't rent to them. You can find some reason not to employ them. You really, really can. We are talking about behavior. When a youngster is seen as sexually different in school, believe me, they don't come out and say that I am really a girl, but I really don't like boys. You don't say that. You are very quiet. If you are a boy, you sure as heck don't say that you like other boys, unless you don't want to go home the same way at night that you went to school, as in your condition, as well as you are not probably feeling quite so good. It is okay. It is okay with a lot of people to make fun of other people that are different. It is true. If somebody is gay or lesbian, they are different. They really are different. God help us, I didn't make people and I don't think the rest of you did either. Let's not make people stay in the closets. In families often times if a youngster comes out as a young adult, the family and the parents go in the closet because they don't want to talk about it because that person is different. It is not a good different like suddenly they are blonde and bright and won a million dollars. It is the other different. It is the bad different. What this is talking about is behavior without a law to say to people it is wrong for some of your behavior. We will continue to have that behavior. We do have a chance here. We have an unusual chance.

Years ago we were able to help out people of color. Let us now help out people who are possibly the same color as what we are. Let us tonight send this out to referendum. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I wasn't sure whether I was going to rise tonight and some of you that have to turn around to see my face, I have a smile on it and not to denigrate the discussions that I have heard previously. This is a very serious matter. I want you to know how honored I am to be here this evening to be part of this debate and the hopeful passage of this bill out to referendum. I will share with you why I am smiling this evening. I think that as I look around the room at my colleagues and as a lot of you know I have served here for six years and have the experience that you have heard mentioned earlier of those that have served on Judiciary. I was there for six years and heard the same testimonies that the good Representative Norbert had referred to earlier. In all of the remarks that were made this evening, I couldn't help but sit back here and think about the message of hopefulness that those remarks conveyed. We are here, yes, once again and in all of these 20 years this is an issue that has risen to this occasion. I am hopeful this evening that I am speaking because I am hopeful that when it does go out to referendum that it is not debated ever again in the House of

Representatives or in the Senate here in the State of Maine. I am just feeling this evening as though we have all been here and we have all done this. We all know basically where we stand. Even with the compromise that was so thoughtfully worked out and I want to applaud all of those who were involved in the negotiations to come out with a question to put before the people once and for all that has no confusion added to the issue. Some of those questions have been answered and that it will be clear to everyone that goes in to vote next November exactly what they are voting on. I think that we, in this chamber, as Representative Waterhouse had alluded to earlier, know what the issue is and where we stand on it. I, for one, am going to be voting against the Indefinite Postponement of this bill and all its papers. I would love to see a vast majority of my colleagues here in this chamber vote in support of LD 2239. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I can remember precisely 14 years ago when I was a freshman in this great body that the same issue was there then that is here now. Back 14 years ago the bill was more comprehensive than it is now. As a freshman sitting in the illustrious rat's nest here listening to the debate on the same issue, but was more contentious back then, as you can imagine. The debate is very civil this evening and I would like to thank my colleagues for that. As I listen to the debate, I knew exactly which way I was going to be voting on that piece of legislation at the time. I was one of the very few freshman who did vote for the civil rights bill back then. After the vote was taken, we didn't have enough votes in the House, if I recall right, to actually pass it here. I had a couple of colleagues out back in the rat's nest afterwards, each of them grabbed one side of my arm and the other grabbed my other arm and said that unfortunately, you have just committed political suicide. Low and behold, I did not commit political suicide. If it was political suicide back then, I am about to commit political suicide again. I am going to ask my colleagues here to vote from their hearts and put all of the adversity aside and vote against the impending motion, the Indefinite Postponement of this bill and accompanying papers and send it out and let it fly or die for the last time. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to get up and speak tonight, but thought there was one aspect of all the conversations that have gone on here tonight that hadn't been told. As most of you know, I have been here eight years. I am basically one of the old school, straight laced, my mother thought so. The old morals and all that other stuff have been beat into my head. I believed them. I am a Christian. I go to church. It seemed to me that the conversations that I have heard tonight, those that spoke, I felt were very sincere in what they talked about and how they talked about it. You wonder if I have had any experience. At one time even in Piscataquis County, which is now pretty poor, I ran 78 apartments. I have had them come and go. My main concern was to make sure they paid before they left. That was a difficult thing at times. What I wanted to say tonight is back in the last time we voted on this, two years ago, I voted against giving Mr. Quint and his people, if you will, anymore rights than I felt that I had. That was my theory. That was my talk and I still feel that way, but maybe I have opened my eyes a little bit wider and seen a little bit of the other side of the

coin. For everybody's information, I will be voting against the Indefinite Postponement and I want this to go back home so that all of those people, even though I am not going to see them again that much, that told me, what are you going to do? Which way are you going to vote? I want them to vote and then I can go tell them how did you vote?

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. I didn't know how I was going to vote on this bill until about 15 minutes ago. If I did what the good Representative from Rome said and go with my heart, I would vote against this bill. I think this bill has significant flaws. I think they are two fold. The first one, to carve out an exemption for religious organizations, I think is wrong. I don't think we should do that. I don't think we should ever carve out exemptions on civil rights for one particular group or one particular perspective. Secondly, I think it is wrong to send this to referendum. I don't think we should ever have people's civil rights determined through referendum. God forbid, this fail in November and simply walk away from this and say that the people have spoken and consequently, you don't get civil rights. That is wrong. Those are two very significant flaws that I see in this bill. Again, if I voted with my heart, I would vote against this. My head says that this is the only alternative and the only way to go. I have looked at every other political scenario that I can think of that would be more practical and that would be better than this and I can't think of anything. I am going to put my heart aside and I am going to vote with my head for this proposal. I am also going to vote for this because of my deep respect for the Representative from Portland, Representative Quint, who worked so hard for this. Fifteen minutes ago when I listened to his speech, I decided that I could put my heart aside and go with my head. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I was not here before and I would like to go on record as a freshman in support of this legislation and against this pending motion. I rise to celebrate diversity. I rise to celebrate love. We have so much hatred in this world. We are all guilty at one time or another of giggling, name-calling and I am guilty. I will never forget the time I went to Boston and I saw two men kiss. I giggled. I have grown. I am so glad that I now know that we need to celebrate love because there is too much hatred. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative MacDougall.

Representative MCDUGALL: Mr. Speaker, Ladies and Gentlemen of the House. Good evening. The homosexual/bisexual lifestyle has suggested them prolifically championed in our public schools, primetime television, movies, plays and music. It has permeated our culture. Many gays have publicly announced their sexual orientation in all kinds of contexts. These are people who very often hold all kinds of levels of responsibility in our society. One Representative mentioned earlier a friend that is a CEO of a company, for example. There are a couple where I work that I know of who are doing exceedingly well professionally. I suggests that mitigates against the notion that those who identify themselves by the sexual orientation are jobless, homeless or without credit. Last session, in the 118th, I encountered a person who was

lobbying for the legislation that we passed in the 118th. She introduced herself, she was dressed very well, and proceeded to give me a list of great accolades of herself. I mean that sincerely. She had credentials. She was very well schooled at a host of accomplishments in her life. They were very impressive. She ended it when she said, I am gay. She then proceeded to share that those who are gay are in our school systems. They very often teach our children and that there is nothing to worry about. That does not sound to me like a class of people or a group of people who are being discriminated in a mass way or in some fashion that would dictate the passage of this legislation.

The homosexual lifestyle or the bisexual lifestyle or all sexual practices are talked about and taught as alternative lifestyles in our school systems. I know that because of my own children who attended public schools. It is out in the open. It isn't something that is closed or under a rock or hidden. One Representative earlier in the debate referred to the Constitution, Section 6A, discrimination against persons is prohibited. I would suggest in our schools and elsewhere in our public discussions that we reiterate Section 6A. It is a very viable vehicle to prevent discrimination against any citizen in the State of Maine. Having said that, I do want to continue and I will end with a question through the chair.

Years ago, my wife and I had a job change and some things happened in a very quick period of time that necessitated moving. I had four or five children at the time. It was so long ago that I can't remember if my fifth had been born or not. We rent to seek to rent an apartment. It was a three-story building and the apartment available was the top floor. Of course, if you can imagine, my kids and my wife and I going up the stairs and the pitter patter of a whole lot of feet, we looked at the apartment and negotiated the price and so forth and so on. Of course, we went away and we thought about it. My wife and I both discussed later that neither one of us felt welcome at all. In fact, nothing was said to that degree, but you could read the body language. You could feel that feeling of oh, I hope they don't want this apartment with all those kids. That didn't mean they hated kids or they hated my kids. It didn't mean that they didn't like children. They were owners of property trying to think of the second floor people and all that noise going on top of them and how were they going to deal with that, perhaps. I share that story because how I felt or how my wife felt didn't necessarily reflect the reality of where that landlord was or wasn't.

I would like to close, if I may, posing a question through the chair. In the legislation, in the amendment, I would like to know from anyone who can answer, how is discrimination proven under the bill, if this bill should pass regarding employment or housing? If it is proven that there has been discrimination, what happens to the person who has been discriminated? Thank you for listening.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. The discrimination that would be added by this bill is proven like every other allegation in the Maine Human Rights Act. That is by coming forward with the burden of proof on you to show that you have been discriminated against solely because of your sexual orientation. It can be any type of evidence that is admissible under the rules of evidence. It could be statements

made to you at the time an act takes place. It could be writings. It could be memos that include something. It could be statements made by the person who discriminated against you to other people. All of those are possible types of evidence. Each case is going to be judged by its merits. A allegation is not enough to prove a case. You have to go forward and prove your case that you were discriminated against because of your sexual orientation, whether it be heterosexual or homosexual. If a heterosexual person is refused housing because they are a heterosexual, they have a claim under this bill.

While I have the floor, I wanted to add a couple of other comments. In short, I have heard a lot of outstanding commentary tonight. I have heard concerns. I have heard statements that have moved me. The one point I want to emphasize more than anything is that discrimination by some against anyone diminishes each one of us. I personally want to lead the fight against discrimination. I want us to educate the citizens of Maine that this is the right thing to do. I want it to end, but it is not going to end if we sit by and watch. It is only going to end if we take action. This is your chance. The chances don't come along that often. I hope you will vote with me now to once and for all defeat the Indefinite Postponement and vote to pass this bill. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am very pleased and thrilled to be representing Ellsworth and four towns in Hancock and Penobscot County and the very first Legislature in the new millennium. I am doubly pleased and thrilled to support LD 2239, "An Act to Ensure Civil Rights and Prevent Discrimination" as the most important vote that I could cast and the most important vote in the new millennium. Maine is a wonderful state. I left Maine after high school for about 15 years. I studied in Michigan. After I concluded my studies, I wanted to travel some more. I traveled to California and I worked there for six years. At the end of the 70s, I embarked upon the trip of a lifetime. I bicycled around the world. I wouldn't do that again. Throughout my travels I compared my experiences to my experiences growing up in Ellsworth as a Jewish boy. I have lived a wonderful life in Maine. I was most happy to return to Maine after I had done this adventure. I had endured no prejudice. My family was embraced. My grandparents were accepted and admired. They had endured terrible hardship in imperialistic Russia. They loved Maine. They liked winter. They had a lot of that in Russia. They raised a family. They grew a business and laid a wonderful foundation. Throughout their lifetimes, their friends were very kind and very gentle. Would I ever deny the same rights to any of my friends? Never. Never could I deny any of my friends their civil rights. I urge you to vote against the motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I do have to confess, I really did intend to rise much earlier on this issue. I felt it was important to get on the record. I was surrounded by such eloquence, I truly mean that, I have been mesmerized by the high quality of this debate and I thank each and every one of my colleagues for that. For many on the other side of the issue, I rise to support passing equal rights for all citizens in the State of Maine and to oppose the pending motion to Indefinitely Postpone. For many on the other

side of this issue, the battle cry goes up that this is about granting equal rights to gay and lesbian citizens that that is one of an issue of family values. To this Maine boy, it is an issue of family values. That rings true to me, but in my family, in the State of Maine, we were raised to believe it was never okay to discriminate against anyone. It was never okay. It was not acceptable to treat anyone as a second-class citizen. My family values taught me to believe that in America you gave everyone the same rights as you had. You treated everyone equally and with dignity and with respect. Although my family has been in Maine for over two centuries, in 1962, I was living in a state that did discriminate legally, the State of Texas. I went to an all white junior high school. I lived in an all white neighborhood. It was the way things were done. We passed a law that made that illegal. Equal rights were not negotiable.

I have to tell you a brief story. My father fought this battle for years and years. He fought it in Texas. He fought it growing up in Eastport where the very proud Passamaquoddy Nation has their reservation on Pleasant Point. He fought it from the time he was a kid until he died. There was a time in Texas he worked for the welfare department. There was an old black woman who had Hanson's Disease. Hanson's Disease, as you may know, is what used to be known as leprosy. No one would take this black woman to Carville, Louisiana, because at that time it was just another prejudice. We didn't know much about the disease. We thought it was communicable. My father loaded up the family station wagon with this wonderful woman and decided to make the trip across east Texas and take her to the institution in Carville. He stopped at a little roadside joint, the Dew Drop Inn, at lunchtime to get a hamburger, knowing my dad he probably had one beer. He took the black woman in with him to get some lunch. In east Texas it is still pretty much like that today, but back then it was really segregationist territory. The woman didn't want to go in. She said, "Mr. Ralph, they are not going to serve me in there." He said, "It is alright." He took her in and they came over and told him that she couldn't eat in here. If you want, you can eat here and she can eat out back in the kitchen. They did that. My father paid the bill and the guy at the cash register asked where they were heading. He said that he was taking this woman over to Carville, Louisiana. The guy's eyes got big. He asked why they were going to Carville. My father explained she had a medical condition and they have an institution there and they are going to treat her. They left. I think the fella behind the counter learned a big lesson about discrimination that day.

I urge all my colleagues to end discrimination in the State of Maine. This one is just not negotiable. I pray and hope it is not negotiable to this body. Thank you Mr. Speaker.

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

Representative **COTE**: Mr. Speaker, Members of the House. I promised some of my fellow colleagues that I wouldn't get up today and speak on this issue. After speaking to quite a few of them and getting suggestions from a few of them, I started thinking. How did I manage to get myself involved in this? One, I had two family members that were discriminated against because of their sexual orientation. I forgot about it because I wanted to forget. This all brought back memories and the hurt that they went through. Until this day, I remember how my grandmother went through being called a squaw, discrimination. I started thinking about myself during school years and being called fatso, Harry Canary, professor and geek. That is

discrimination, because I wasn't like them. I was ~~somebody~~ different. I was always taught by my grandparents to not discriminate. As I grew up, what did I do, I started discriminating until I started thinking back. I thought, wait a minute, I got two cousins who were there and were very hurt. I was there. By the way, I was just going through that with my son this past two years. He was being discriminated against because of his size because he is bigger than the other kids. They call him all kinds of names, giant, gorilla, hairy and big foot. I started to think this afternoon, wait a minute, we have all been discriminated against one way or another. It is time to put a stop to it.

I lived in Florida for three years. I was discriminated against because I was a Mainer. I was called maniac, a yankee, an idiot from the northern states. I took that abuse for three years. I couldn't take it any more so I moved back to Maine with my family. Here my son has all the discrimination. I started to teach them as the years went by. Discrimination is bad. He kept asking me, "Why daddy?" I told him that they were people just like you and me. The only thing different is they have a different lifestyle. That is not the way to discriminate against people from work. That is just like if you get hired to go to a job. They won't hire you because you are too fat or you are too heavy. That is just like them. I teach my son to not discriminate against anyone. Treat them like you would want to be treated. It took me long and hard to decide to get up and speak on this bill because I didn't know which way to go. I will be honest. I will say I didn't know which way to go on this bill until now. I urge my fellow colleagues to go along with my light and oppose the indefinite Postponement. Go with the other amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinitely Postpone the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 544

YEA - Ahearne, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Clark, Clough, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, McAlevey, McKenney, Mendros, Nass, Nutting, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

NAY - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Marvin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Andrews, Dunlap, Matthews, Murphy E, O'Neal, Perry, Rines.

Yes, 57; No, 87; Absent, 7; Excused, 0.

57 having voted in the affirmative and 87 voted in the negative, with 7 being absent, and accordingly the motion to

INDEFINITELY POSTPONE the Bill and all accompanying papers **FAILED**.

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

ROLL CALL NO. 545

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Cianchette, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Clark, Clough, Collins, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, McAlevey, McKenney, McNeil, Mendros, Nutting, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Dunlap, Matthews, Murphy E, O'Neal, Perry, Rines.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-624)** was **READ** by the Clerk.

Representative PERKINS of Penobscot **PRESENTED House Amendment "A" (H-1046)** to **Committee Amendment "A" (S-624)**, 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 should look familiar to those of you who were here in the last Legislature. I presented this before. I believe in it and that is why I am doing it again. I am fully in favor of what we just did, but I think this would even be better. I think after hearing the debate tonight, a lot of the testimony here tonight, even points out even more strongly how important this idea is. If you have it in front of you, what this says is instead of adding new groups to the Maine Human Rights Act, this says, once and for all, you can't discriminate for any reason in these categories here in employment, except on account of a reasonable concern related to an occupational qualification. You cannot discriminate in housing, except on account of a reasonable concern related to health, safety or payment of rent. Access to public accommodations, except on account of a reasonable concern related to health, safety or payment for the goods or services rendered. The fourth category, in the extension of credit except on account of a reasonable concern related to repayment.

I have heard tonight one speaker said that when we look back 10 years from now, we will be very proud of ourselves. We will, but I will just about guarantee you that if we look back 10 years, this will not be the end of it. This will not be the last group that comes to us to be added to the list. You can take your own guess of what it might be, but we make jokes now about overweight people. We heard terms tonight like, geek, idiot and maniac. Apparently the bikers were concerned because they wear earrings, tattoos and leather jackets. I am not making light of the concern for the group that we are going to add tonight. Don't get me wrong. It is a serious situation and we should not discriminate for any reason. I would just like to stress that if we are going to put this to rest, then let's put it to rest. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I would like to thank the members of the House for their previous action and ask you to join with me as I oppose this amendment. I have great respect for the Representative from Penobscot and have had some interesting discussions with him about this issue and many other issues. I would never want to say anything that would, in any way, show that I don't respect his opinions. I feel that we are here for one purpose tonight. That purpose has been accomplished. Let us go on with this. Mr. Speaker, I move that we Indefinitely Postpone House Amendment "A."

Representative THOMPSON of Naples moved that House Amendment "A" (H-1046) to Committee Amendment "A" (S-624) be INDEFINITELY POSTPONED.

Representative MENDROS of Lewiston REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "A" (H-1046) to Committee Amendment "A" (S-624).

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 Lewiston, Representative Mendros.

Representative MENDROS: Mr. Speaker, Men and Women of the House. I had a couple of amendments that I was going to add. Representative Perkins amendment is clearly superior to mine. It is tapped into the same intent. I ask that if what we are trying to do tonight is put an end to discrimination in the State of Maine in these four areas that we have looked at, housing, public accommodations, credit and employment. That is what this amendment does in all areas. Why is it okay for somebody to walk up to me and say, "Mendros, you are too fat. You are fired." Maybe to not rent to my seatmate, Representative MacDougall, because you wear glasses. That is perfectly legal and perfectly acceptable. If we truly care about discrimination, if that is really what we care about, then we need to vote for this amendment and end discrimination. You can either do the job or you can't. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1046) to Committee Amendment "A" (S-624). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 546

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Jones, Kane,

LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearn, Belanger, Berry DP, Bowles, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, McAlevey, McKenney, McNeil, Mendros, Nass, Nutting, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

ABSENT - Andrews, Dunlap, Matthews, Murphy E, O'Neal, Perry, Rines.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly House Amendment "A" (H-1046) to Committee Amendment "A" (S-624) was INDEFINITELY POSTPONED

Representative MENDROS of Lewiston PRESENTED House Amendment "B" (H-1052) to Committee Amendment "A" (S-624), which was READ by the Clerk.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I will try to keep this as short as possible. What this amendment does is it adds political affiliation to the classes we protect. I can tell you a little story about the City of Lewiston. The City of Lewiston at the turn of the century, you could not get a job working at the mill if you weren't a registered Republican. The mill owners were Republicans. They would not hire you if you were registered as a Democrat. Because of that, the past 100 years there has been a backlash in the City of Lewiston. People from that point have hated the Republican Party and registered as Democrats. It goes on. Political affiliation, people can be fired because of it. I know of somebody who was fired from their particular employment because their employer didn't agree with their political affiliation. That is inappropriate. Again, if we care about discrimination, are we sending a message that it is okay to do that? We are still facing that in Lewiston, those of us who are Republicans, a deep-seated hatred towards our party for what our party did to the working people of Lewiston and rightfully so. It was inappropriate to have that kind of attitude to not hire them. It was wrong. It is still wrong. That is why I propose this amendment. Mr. Speaker, to get this over with quick, I would request a division.

The same Representative REQUESTED a division on his motion to ADOPT the House Amendment "B" (H-1052) to Committee Amendment "A" (S-624).

Representative THOMPSON of Naples REQUESTED a roll call on the motion to ADOPT the House Amendment "B" (H-1052) to Committee Amendment "A" (S-624).

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

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I want to agree with the good Representative from Lewiston, Representative Mendros, that his amendment isn't nearly as good as Representative Perkins' amendment.

Representative **CAMERON** of Rumford moved that **House Amendment "B" (H-1052) to Committee Amendment "A" (S-624)** be **INDEFINITELY POSTPONED**.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1052) to Committee Amendment "A" (S-624)**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. This wasn't the amendment. I have another one, which I am not going to present.

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

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

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

Representative **MCALVEY**: Mr. Speaker, Men and Women of the House. Would a lost political election be the ultimate in political discrimination?

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1052) to Committee Amendment "A" (S-624). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 547

YEA - Ahearn, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones,

Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Joy, MacDougall, Mack, Mendros, Pinkham, Plowman, Richardson E, Stedman, Tobin J, Treadwell.

ABSENT - Andrews, Dunlap, Hatch, Matthews, Murphy E, O'Neal, Perry, Rines, Stanwood.

Yes, 132; No, 10; Absent, 9; Excused, 0.

132 having voted in the affirmative and 10 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1052) to Committee Amendment "A" (S-624)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-624)** was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-624)** in concurrence.

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

On motion of Representative **BERRY** of Livermore, the House adjourned at 9:06 p.m., until 9:00 a.m., Wednesday, April 5, 2000 in honor and lasting tribute to Paige Barton.