

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
4th Legislative Day
Thursday, January 11, 2001

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

Prayer by Reverend Donald Miller, Emmanuel Reformed Presbyterian Church, Minot.

National Anthem by Lawrence High School Symphonic Band, Fairfield.

Pledge of Allegiance.

Doctor of the day, Mark Perlmutter, M.D., Camden.

The Journal of Tuesday, January 9, 2001 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to printing of history and final disposition of each Bill and Resolve (H.P. 4)

READ and **PASSED** in the House on December 6, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1) in NON-CONCURRENCE.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.P. 123)

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

COMMITTEE TO STUDY FURTHER DECRIMINALIZATION OF THE CRIMINAL LAWS OF MAINE

January 5, 2001

The Honorable President Michael H. Michaud

The Honorable Speaker Michael V. Saxl

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Michaud & Speaker Saxl:

Pursuant to H.P. 1914, as amended by Senate Amendment "A" (S-722), the Committee to Study Further Decriminalization of the Criminal Laws of Maine is pleased to submit its final report including legislation. Copies of the report have been transmitted to the Legislative Council, and the chairs of the Joint Standing Committees on Banking and Insurance, Business and Economic Development, Inland Fisheries and Wildlife, Marine Resources, Agriculture, Conservation and Forestry, Judiciary and Natural Resources. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Robert E. Murray, Jr., Senate Chair

S/Representative Charles C. LaVerdiere, House Chair

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

Sent for concurrence.

The Following Communication: (S.P. 25)
120TH LEGISLATURE

SENATE OF MAINE
OFFICE OF THE PRESIDENT

January 3, 2001

The Honorable Joy J. O'Brien

Secretary of the Senate

3 State House Station

Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under Senate Rule 203.1, we have made the following Joint Standing Committee appointments.

Business and Economic Development

Kevin L. Shorey, Chair (R-Washington)

Lynn Bromley, (D-Cumberland)

Edward M. Youngblood, (R-Penobscot)

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Richard A. Bennett

Senate President Pro Tempore

Came from the Senate, **READ** and **ORDERED PLACED ON FILE.**

READ and **ORDERED PLACED ON FILE** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

(H.P. 93) (L.D. 97)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Senator SHOREY of Washington and

Representatives: BAGLEY of Machias, BULL of Freeport,

DUGAY of Cherryfield, McNEIL of Rockland.

Bill "An Act to Appropriate Funds for the Bath Higher Education Center"

(H.P. 107) (L.D. 111)

Presented by Representative MAYO of Bath.

Cosponsored by Senator SMALL of Sagadahoc and

Representatives: ETNIER of Harpswell, GERZOFKY of

Brunswick, PEAVEY of Woolwich, RICHARDSON of Brunswick,

President MICHAUD of Penobscot.

BANKING AND INSURANCE

Resolve, to Study the Expansion of Private Prescription Drug Insurance for Maine's Elderly

(H.P. 96) (L.D. 100)

Presented by Representative GLYNN of South Portland.

Cosponsored by Senator ABROMSON of Cumberland and

Representatives: CRESSEY of Baldwin, MAYO of Bath, YOUNG

of Limestone.

Bill "An Act to Allow for Mandate-free Catastrophic Care Health Insurance Policies"

(H.P. 97) (L.D. 101)

Presented by Representative GLYNN of South Portland.
Cosponsored by Representative: CRESSEY of Baldwin.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require Consignment Businesses to Provide Itemized Receipts"

(H.P. 113) (L.D. 117)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative: SNOWE-MELLO of Poland.

Bill "An Act to Establish Requirements for Licensed Physicians Regarding Naturopathic Treatments"

(H.P. 114) (L.D. 118)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representatives: SNOWE-MELLO of Poland, WESTON of Montville.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Provide Free Antlerless Deer Permits to Hunters 70 Years of Age or Older"

(H.P. 100) (L.D. 104)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Representatives LaVERDIERE of Wilton, STEDMAN of Hartland and Representatives: ASH of Belfast, BRYANT of Dixfield, DUNLAP of Old Town, PATRICK of Rumford, PINEAU of Jay, Senator: MARTIN of Aroostook.

Bill "An Act Concerning the Banding of Game Birds"

(H.P. 101) (L.D. 105)

Presented by Representative TRACY of Rome.
Cosponsored by President MICHAUD of Penobscot, Senator CARPENTER of York and Representatives: BRYANT of Dixfield, CHICK of Lebanon, DUNLAP of Old Town, MATTHEWS of Winslow, McGLOCKLIN of Embden, STANLEY of Medway, TRAHAN of Waldoboro, WHEELER of Bridgewater.

Bill "An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens"

(H.P. 103) (L.D. 107)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.
Cosponsored by Representatives: BUNKER of Kossuth Township, GOODWIN of Pembroke, LORING of the Penobscot Nation, SCHNEIDER of Durham, TWOMEY of Biddeford.

Bill "An Act to Allow a 2nd Hunting Tag in Certain Zones"

(H.P. 106) (L.D. 110)

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: BRYANT of Dixfield, DUGAY of Cherryfield, DUNLAP of Old Town, MAYO of Bath, McGLOCKLIN of Embden, PERKINS of Penobscot, WHEELER of Eliot, Senator: McALEVEY of York.

JUDICIARY

Bill "An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save the Life of the Mother"

(H.P. 115) (L.D. 119)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative KASPRZAK of Newport, Senator DAVIS of Piscataquis and Representatives: BERRY of Belmont, MacDOUGALL of North Berwick, SNOWE-MELLO of Poland, WESTON of Montville.

LABOR

Bill "An Act to Extend the Hours that a Minor May Be Employed"

(H.P. 92) (L.D. 96)

Presented by Representative TREADWELL of Carmel.
Cosponsored by Senator MITCHELL of Penobscot and Representatives: CLOUGH of Scarborough, HASKELL of Milford.

Bill "An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits"

(H.P. 94) (L.D. 98)

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: BELANGER of Caribou, CARR of Lincoln, CHICK of Lebanon, CLARK of Millinocket, JONES of Greenville, PINKHAM of Lamoine, SHERMAN of Hodgdon, STANLEY of Medway.

Bill "An Act Raising the Minimum Wage"

(H.P. 117) (L.D. 121)

Presented by Representative BRYANT of Dixfield.
Cosponsored by Representatives MATTHEWS of Winslow, MAYO of Bath, Senator MARTIN of Aroostook and Representatives: DUDLEY of Portland, JACOBS of Turner, LAVERRIERE-BOUCHER of Biddeford, PATRICK of Rumford, PINEAU of Jay, SIMPSON of Auburn, TWOMEY of Biddeford, Senator: LEMONT of York.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of High-stakes Beano and High-stakes Bingo and Expanding the Number of Authorized Games"

(H.P. 104) (L.D. 108)

Presented by Representative LORING of the Penobscot Nation.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BROOKS of Winterport, DUNLAP of Old Town, SCHNEIDER of Durham, SHIELDS of Auburn, SOCTOMAH of the Passamaquoddy Tribe, TESSIER of Fairfield, Senators: GAGNON of Kennebec, MARTIN of Aroostook.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

(H.P. 119) (L.D. 123)

Presented by Representative MAYO of Bath.
Cosponsored by Representatives CARR of Lincoln, PERKINS of Penobscot, President MICHAUD of Penobscot, Senator SAVAGE of Knox, Senator NUTTING of Androscoggin and Representatives: BRUNO of Raymond, HEIDRICH of Oxford, O'NEIL of Saco, RICHARDSON of Brunswick, TRAHAN of Waldoboro, Senator: McALEVEY of York.

MARINE RESOURCES

Bill "An Act to Change the Noncommercial Scallop Diving Season"

(H.P. 111) (L.D. 115)

Presented by Representative DAIGLE of Arundel.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: BRYANT of Dixfield, BULL of Freeport, DUGAY of Cherryfield, GOODWIN of Pembroke, HONEY of Boothbay, McNEIL of Rockland, PINKHAM of Lamoine, USHER of Westbrook.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Establish the Washington County Emergency Medical Services Authority" (EMERGENCY)

(H.P. 85) (L.D. 92)

Presented by Representative GOODWIN of Pembroke.
Cosponsored by President MICHAUD of Penobscot and Representatives: BAGLEY of Machias, BUNKER of Kossuth Township, DUGAY of Cherryfield, MORRISON of Baileyville, Speaker SAXL of Portland, STANLEY of Medway, TUTTLE of Sanford, Senator: SHOREY of Washington.

Bill "An Act to Amend Eminent Domain Powers"

(H.P. 99) (L.D. 103)

Presented by Representative LaVERDIERE of Wilton.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BULL of Freeport, DUGAY of Cherryfield, GLYNN of South Portland, McGOWAN of Pittsfield, MUSE of South Portland, SAVAGE of Buxton, SCHNEIDER of Durham, WATERHOUSE of Bridgton.

Bill "An Act to Establish Maine Lighthouse Week" (EMERGENCY)

(H.P. 102) (L.D. 106)

Presented by Representative McNEIL of Rockland.
Cosponsored by Senator SAVAGE of Knox and Representatives: COLLINS of Wells, DORR of Camden, ETNIER of Harpswell, O'BRIEN of Augusta, ROSEN of Bucksport, SCHNEIDER of Durham, Senators: LEMONT of York, RAND of Cumberland.

Bill "An Act to Designate the First Saturday in September as Colonel Freeman McGilvery Day"

(H.P. 108) (L.D. 112)

Presented by Representative BERRY of Belmont.
Cosponsored by Representatives: BROOKS of Winterport, WESTON of Montville.

TAXATION

Bill "An Act to Repeal the Tax on Candy and Confections" (EMERGENCY)

(H.P. 105) (L.D. 109)

Presented by Representative GOODWIN of Pembroke.
Cosponsored by Representatives: CARR of Lincoln, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, STANLEY of Medway, TRACY of Rome, Senator: DAVIS of Piscataquis.

Bill "An Act to Increase the Homestead Property Tax Exemption from \$7,000 to \$10,000"

(H.P. 116) (L.D. 120)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative BULL of Freeport, Senator DAVIS of Piscataquis and Representatives: BERRY of Belmont, CHASE of Levant, HEIDRICH of Oxford, MacDOUGALL of North Berwick, McKENNEY of Cumberland, SNOWE-MELLO of Poland, TWOMEY of Biddeford, WESTON of Montville.

Bill "An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions"

(H.P. 120) (L.D. 124)

Presented by Representative MAYO of Bath.
Cosponsored by Senator LEMONT of York and Representatives: BOUFFARD of Lewiston, MURPHY of Berwick, STANLEY of Medway, SULLIVAN of Biddeford.

TRANSPORTATION

Bill "An Act to Prohibit the Use of Handheld Devices While Operating a Motor Vehicle"

(H.P. 91) (L.D. 95)

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: BAKER of Bangor, BOUFFARD of Lewiston, FULLER of Manchester, LABRECQUE of Gorham, McKEE of Wayne, SHIELDS of Auburn.

Resolve, to Name Route 302 the 10th Mountain Division Highway

(H.P. 95) (L.D. 99)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Senator ABROMSON of Cumberland and Representatives: BERRY of Belmont, HEIDRICH of Oxford, KASPRZAK of Newport, MacDOUGALL of North Berwick, McKENNEY of Cumberland, NORBERT of Portland, TREADWELL of Carmel, WESTON of Montville.

Bill "An Act to Restrict the Use of Handheld Telephones while Driving"

(H.P. 98) (L.D. 102)

Presented by Representative BOUFFARD of Lewiston.
Cosponsored by Senator LEMONT of York and Representatives: BROOKS of Winterport, GOODWIN of Pembroke, JACOBS of Turner, MAILHOT of Lewiston, MAYO of Bath, McDONOUGH of Portland, RICHARDSON of Brunswick, TUTTLE of Sanford.

Bill "An Act to Remove the Weight Limit Restrictions on Vanity Registration Plates"

(H.P. 109) (L.D. 113)

Presented by Representative BERRY of Belmont.
Cosponsored by Representatives: BROOKS of Winterport, COLLINS of Wells, WESTON of Montville, Senator: SAVAGE of Knox.

Resolve, Requiring that the Waldo-Hancock Bridge be Replaced

(H.P. 110) (L.D. 114)

Presented by Representative BERRY of Belmont.
Cosponsored by Representative: BROOKS of Winterport.

Resolve, to Create a Turnpike Exit 9 Pass
(H.P. 112) (L.D. 116)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representatives: LABRECQUE of Gorham,
SNOWE-MELLO of Poland, TOBIN of Windham.

UTILITIES AND ENERGY

Bill "An Act to Revise the Hampden Water District Charter"
(H.P. 118) (L.D. 122)

Presented by Representative DUPREY of Hampden.

Pursuant to Joint Study Order (H.P. 1938)

Joint Study Committee to Study Bomb Threats in Maine Schools

Representative McDONOUGH for the **Joint Study Committee to Study Bomb Threats in Maine Schools** pursuant to Joint Study Order H.P. 1938 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY)

(H.P. 89) (L.D. 93)

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

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

Sent for concurrence.

Pursuant to Joint Study Order (H.P. 1938)

Joint Study Committee to Study Bomb Threats in Maine Schools

Representative BULL for the **Joint Study Committee to Study Bomb Threats in Maine Schools** pursuant to Joint Study Order H.P. 1938 asks leave to report that the accompanying Bill "An Act to Implement the Minority Recommendations Relating to Criminal and Juvenile Law of the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY)

(H.P. 90) (L.D. 94)

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

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

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Specify That Possession of Sexually Explicit Materials by Way of the Internet is Criminal"

(H.P. 121) (L.D. 125)

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

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

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

SENATE PAPERS

The following Joint Order: (S.P. 28)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 16, 2001, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

On motion of Representative NORBERT of Portland, the House **RECONSIDERED** its action whereby **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

(H.P. 119) (L.D. 123)

Was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

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

SENATE PAPERS

Bill "An Act to Clarify Certain Provisions of the Laws Governing Health Maintenance Organizations and Health Plans" (S.P. 26) (L.D. 126)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

ORDERS

On motion of Representative ETNIER of Harpswell, the following Joint Order: (H.P. 84)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 206, section 3 as follows:

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

READ and **PASSED**.

Sent for concurrence.

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

On motion of Representative BROOKS of Winterport, the following Joint Order: (H.P. 86)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 310, subsection 5, by adding after the 3rd blocked paragraph the following:

The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may vote and sign any report in the committee to which the member is assigned on legislation sponsored by an Indian Representative that specifically relates to Indians or Indian land claims.

READ.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. As many of you know over the past several years, we have looked at the rights that our Native American colleagues have in this assembly, both at the level of the House and also at the level of the committee. There was a task force last year that looked at changing the voting rights and changing the level of participation for our Native American Representatives. The previous item that we took up dealt with some of that, but this particular proposal was not taken before the Rules Committee. It was instead being brought directly here to the floor.

What this will allow when passed is that Native American Representatives who are assigned to two committees in the Legislature, the Judiciary Committee and the Education Committee, this will allow them to vote on legislation that they, themselves, have introduced into the Legislature. As you all know, they currently have the authority to introduce legislation that is specific to the Native American population. That has been part of the Joint Standing Rules now for several years. The order that we just dealt with allowed them to amend that legislation on the floor. This will allow them when a piece of legislation comes before their committees, Judiciary and Education, that is their legislation that they will be given the authority to vote. Currently, they can speak on those pieces of legislation, but cannot vote. I remind you again that this order simply authorizes them to vote in committee on legislation that they introduce. Think about it. Think about being able to introduce a piece of legislation of any variety or any subject and when it gets to committee, you are allowed to debate or discuss it, but then when it comes to be able to vote, you are not allowed to vote.

In the past we have had questions regarding the constitutionality of expanding the voting rights for the Native American Representatives here on the floor. This does not affect votes on the floor. It neither requires or requests or seeks permission to change. Simply because I still recognize the constitutional questions here. The constitutional questions in the past that have been raised about voting or participating at committee levels are a whole lot more murky. I don't believe that this is at all a violation of the constitutional intent to have them vote at committee level. You might hear some questions about that or some reservations about granting that permission, but I believe that this is the only thing that I can do. If we recognize

that the Native American population needs to be represented here and the two Representatives that are seated on the floor bring that perspective to this Legislature. If we all, like I do, recognize the need for us to expand on that, then I think this is a natural expansion, to allow them to vote, again, on their own legislation when it comes to committee levels. Thank you Mr. Speaker.

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

Representative LORING: Mr. Speaker, Men and Women of the House. The Penobscot Nation has had a Representative present in the House of Representatives since Maine became a State. The earliest documentation of that presence was in 1823. The State of Maine, the Penobscot Nation, the Passamaquoddy Tribes have a unique relationship. It is a relationship like no other between the state and the tribes in the United States. Two tribal Representatives represent their tribal governments here in the Maine State Legislature. Legislators have wondered about our presence in this body, our powers and duties and our voting rights. The 119th Legislature passed a Joint Order to establish a committee to study these questions. The Committee was to address the recognition of the tribal government representatives of Maine's sovereign nations in the Legislature. The Committee met a number of times and reviewed many historical documents and interviewed numerous individuals with expertise in the law, Native tradition and culture and even looked at international aboriginal models.

Historically, the Wabanaki Tribes were asked by George Washington to fight on the American side during the Revolution. The Wabanaki Confederacy fought on the side of the Americans and helped to secure the borders of what is now called the State of Maine. Without our help, Maine may very well be a part of Canada right now. We were allowed to attend meetings during the Continental Congress in Boston because of our help during the Revolution. This practice was continued when Maine took over treaty obligations from Massachusetts. Wabanaki people have continued to serve in the military and fight for the United States. We have never fought against the United States. In 1923, the United States declared all Native Americans to be citizens. They had the right to vote in federal elections. It was not until 1963, well after the Civil Rights Act, that Maine Indians were fully franchised to vote in state elections. Maine was the last state in the union to allow its Native American population to vote in state elections.

Native people have been the invisible population. Yes, we have held a place in the State Legislature for almost 200 years. We have kept our place here simply by being persistent and staying. In 1941, the Tribal Representatives were unseated from the House, yet they remained. In 1975, they were reinstated after a long and exhaustive debate on the floor. The 1975 debate is a prime example of racism and prejudice that still existed at that time, even after civil rights were won for the African Americans in this country.

The history between the tribes and the state is not a good one. It is one of distrust, abuse and neglect. This state has benefited from our natural resources as well as human resources. We have been the most heavily state regulated tribes in the country. There was a state law for every day of the year. The tribes were under the control of Indian Agents who sometimes didn't care about the sick, elderly and even allowed some to go without food and wood for long periods of time. The

living conditions of the tribal communities were dreadful. There was no sewer or running water and no electricity.

I feel strongly on this issue of voting in committee. I feel that Maine has an opportunity here to recognize its Tribal Representatives. As I sit on the committees day after day and watch as votes are taken, I feel like I am an invisible person. I am a non-entity. I can see it in the faces of my fellow legislators and on the faces of the general public. There is a heaviness in the air and I know people feel that this is not right. The message this sends to everyone in the room is that this person is less important and less valued than everyone else. Maine has an opportunity to take the lead in recognizing and treating Indian people with respect and dignity. Allowing us to vote on our own issues would give us a small voice in the policy making process that has had such a tremendous affect on our tribal governments, everyday life and our very survival. It is simply a question of human decency and fairness. I urge you to support the Joint Rule changes. Thank you.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I am Albion Goodwin from District 134. We have 1,200 members of the Passamaquoddy Tribe at Peter Dana Point, Pleasant Point, that I represent. I work for the Passamaquoddy Tribal Nation on the floor of this House. This will continue and nothing will change. This Joint Order is specific. It deals with issues in their committees. It is not going to be reflected in the Judiciary Committee where they are not members or Utilities where they are not a member. It is only in the committee where they are a member and they are asking to vote and sign documentation. It is time we did that. I appreciate it, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. For anyone who can answer, if one of the Tribal Representatives is on a committee and their own Representative is on their same committee, does this not give them two votes on an issue?

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

Representative **MADORE**: Mr. Speaker, Men and Women of the House. In answer to the question, having been on the Rules Committee, yes, it would be two votes. To correct a statement that was made earlier by the Representative from Pembroke, Representative Goodwin, I believe one of the Tribal Representatives does serve on Judiciary. That would be a problem. I urge you to vote against the motion. I request a Roll Call.

Representative **MADORE** of Augusta **REQUESTED** a roll call on **PASSAGE**.

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 the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the House. This bill deals with exclusively tribal issues. This bill will

allow the Tribal Representatives to state their support or nonsupport of issues that exclusively deal with our communities. I am asking your support for the passage of this bill because it does affect us. Many of you wonder, will the bill be affecting the tribe? This would have our reply written down for the record. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I rise in support of this because I know first hand working with Representative Soctomah last term on State and Local Government how much he added to the committee and what a strong voice he was. Many years ago we took the Native American's land away from them and now we are trying to take their voice away from them. He has sat and come to committee meeting after committee meeting. No one respects our air and our water and our lands like the Native Americans. I respect Representative Soctomah and Representative Loring and as I sat there at my committee and when he was not allowed to vote, I just kept saying that something is so wrong with this. Let's make this right. Please follow my light. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I have great respect for our Native American Representatives here. We have given them a voice in this Legislature, but have never given them a vote. I consider this constitutionally difficult because the committee is an extension of this Legislature and constitutionally only people who are elected by the Constitution can vote. There is a political correctness element occurring here. If you want to get your way in political correctness, you portray yourself as a victim and therefore everybody is sorry for you. I just believe there should be a constitutional review of this thing. People look at this as something that should not be allowed. I urge you to vote against it. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I rise in support of passage of this Joint Order to amend the Joint Rules. I want to give you just a few examples of why I would support this. As a member of the Legislature, I began in the 117th. In the 118th serving once again on the Judiciary Committee, I had the honor and privilege of serving with Representative Fred Moore of the Passamaquoddy Tribe. I know from first-hand experience how difficult it was for him in that session. It was the first time that the Tribal Representatives were allowed to sit on a committee. It was difficult for him to be considered part of the committee, yet almost invisible. Even when it came to tribal issues, there was a perception of a discounting of his opinion. I think it had primarily to do with the fact that he could not, even though he was perfectly capable of being part of work sessions and public hearings, he could not vote on those issues that were of vital importance to his tribe, even if those bills were not legislation that he was able to be part of.

I am now in the 120th Legislature. I have the honor and privilege of serving on the Education Committee with Representative Donald Soctomah. I look forward to his being able to be a full participant in the deliberations of that committee and whether or not bills come before us, I am not sure at this time, that deal directly with tribal concerns for the Penobscot, the

Passamaquoddy and the other smaller tribes that are a part of the Abenaki Council. I would urge all of my colleagues here in the House to please support this, not only well deserved opportunities for those tribal members who are here, very diligently on behalf those who have legally, through their tribal processes, elected them to serve on their behalf to give them this opportunity to do this to the fullest extent. I 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. The Chair has taken away some of my thunder, I am sad to say. As a Representative who has the Indian Island Voting District in his district, I would like to respond to a few comments I have heard in here. I would only say that my knowledge of the Penobscot Nation would never lead me to a conclusion that they would seek control of their own destiny through a means that would lend themselves to pity or any other such trait as described here today. They are a very proud people and I support this proposal. I will vote for it and urge that my colleagues do the same. Thank you very much.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I heard it referred earlier that we were taking something away. That is absolutely not true. The Indian Representatives do not have the right currently. We are not taking anything away. We are trying to add to their power. The Indian Representatives are voted upon by their tribes, by some who may live in Canada. That is my understanding. At this point, we are going to okay someone outside the State of Maine to have a vote not only in this body, but in committee. This is an issue that should have been brought to the Rules Committee. We heard Representative Etnier's order and it went under the hammer because it went to the Rules Committee for thoughtful deliberation before it was brought to this body. To present an order without any consideration and thought behind it, I am sure there is thought behind it, don't get me wrong on that, but there are issues that we cannot address in the short period of time that the rules committee can, as can any public hearing. When a bill is brought to a public hearing, you hear all sides. You can make a very careful vote. I have a hard time with this order because of just that fact. If the Rules Committee hears it and thinks about it and presents arguments either for or against, it will come back here and we can vote on it then. I will be voting against this, not because it is a bad idea, but because it didn't have a good hearing. Thank you Mr. Speaker.

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

Representative **LORING**: Mr. Speaker, Men and Women of the House. In reference to what was said earlier about possibly two committee members from the same district voting on an issue, I would like to point out that 13 of those members represent the state. I represent the Penobscot Nation. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge my colleagues not to lose sight of the real issue here. There is no question and there is no issue about the capabilities or the integrity of the people who are here as Tribal Representatives. That is not the issue. We

understand that these are people who contribute and make meaningful additions to their committees. What we are debating here is whether or not it is appropriate for any group of people to, in effect, have two votes on an issue. I would urge you to separate yourself emotionally from the respect that we have for the Tribal Representatives and focus, instead, on the very grave issue that is before us. Thank you.

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

ROLL CALL NO. 3

YEA - Ash, Baker, Blanchette, Bliss, Bouffard, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Cote, Cowger, Crabtree, Cummings, Davis, Desmond, Dorr, Dugay, Dunlap, Duplessie, Estes, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, LaVerdiere, Laverriere-Boucher, Lundeen, Marley, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Skoglund, Smith, Sullivan, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ.

NAY - Andrews, Annis, Belanger, Berry DP, Berry RL, Bowles, Brannigan, Bruno, Bumps, Carr, Chase, Clough, Collins, Colwell, Cressey, Daigle, Dudley, Duncan, Duprey, Etnier, Fisher, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, Ledwin, Lemoine, Lessard, Lovett, MacDougall, Madore, Mailhot, McDonough, McKenney, McNeil, Michael, Morrison, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Rines, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stedman, Tarazewich, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Buck, Marrache, Muse C, Muse K, Rosen, Stanley, Tobin J, Mr. Speaker.

Yes, 68; No, 74; Absent, 9; Excused, 0.

68 having voted in the affirmative and 74 voted in the negative, with 9 being absent, and accordingly the Joint Order **FAILED** of **PASSAGE**.

On motion of Representative GLYNN of South Portland, the following Joint Order: (H.P. 88)

ORDERED, the Senate concurring, that the Joint Rules be amended by striking out all of Joint Rule 303 and inserting in its place the following:

Rule 303. Committee Clerks.

1. Until February 1, 2001, the hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and the Speaker of the House shall decide. Until February 1, 2001, committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House.

2. Beginning February 1, 2001, committee clerks must be hired by the Legislative Information Office under the authority of the Legislative Council. On February 1, 2001, committee clerks hired under section 1 become employees within the Legislative Information Office under the authority of the Legislative Council. Vacancies in positions originally filled under section 1 must be filled in accordance with this section.

3. Employment of the committee clerks terminates no later than the end of session.

READ.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. The issue that I bring before the body today deals with the appointment of our Committee clerks. I think it is appropriate where we are beginning our session to look at this important issue. As many of you are aware, the clerks are currently partisan appointments of the committee chairs to each committee. One of the problems we have with the process is by not having a nonpartisan staff person, their job security very much is in question. Every single session, literally, the clerks have to beg for their jobs to the committee chairs. Their jobs, whether or not they have one, is always a matter of question, depending on which political party is in power. During the last session there were several questions that were raised by the committee clerks regarding their wages. Because they are political appointments, they are not even able to unionize. Their professional development, really, in my mind, is stymied. When they come forward, we should not be interested in whether we have a Democrat, Republican or Independent clerk, we should be interested that we have a good clerk and one that is doing their job and is a highly trained professional. They are the storers of the information for the committee. They are the first point of contact for many residents of our districts that come up that want to follow legislation and want to know where it is in the committees. We rely on them terribly and we want them to grow in their positions. We want them to have secure jobs. We want them to be able to go through a nonpartisan process and we want to be able to rely on them. In fact, their motives are always 100% nonpartisan, as I believe many of them are. When they are first appointed, they are partisan appointments, but after they are appointed, they answer to the Legislative Information Office. They take an oath to be nonpartisan. It is kind of contradictory that we ask them to be partisan and then nonpartisan. I urge your strong consideration of this proposal. Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays.

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

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

Representative **O'NEIL** of Saco moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order 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 Saco, Representative **O'Neil**.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Again, coming from the Rules Committee, this idea came to me from the good Representative from South Portland. We actually had discussed it last spring. It arose from when we said goodbye to our committee clerk last spring. See you next year was the parting remark. The committee clerk said, "Well maybe not." The discussion ensued from there that perhaps that committee clerk would not be back. While I am with the good Representative from South Portland and as much as I wanted to see that committee clerk back, as a matter of fact, I just hired her last week, that is a good thing. One of the problems inherent in this order is the need. Every two years the Rules Committee

creates a whole new set of rules for the Legislature and as part of that rules process, we create new committees. There is no guarantee that the Committee of Taxation will be the Committee on Taxation in the 121st. That is one of the reasons. We decided that it is one of the things that the chairs of the committee have to deal with and it should rest with the chairs. I, as a new chair, appreciate having that ability. The bottom line is we will always have the ability to communicate with the presiding officers to whom they answer. I hope to support my motion to Indefinitely Postpone. Thank you.

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

ROLL CALL NO. 4

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, David, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, Madore, McKenney, Mendros, Morrison, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bagley, Buck, Marrache, McDonough, Muse C, Muse K, Rosen, Stanley, Tobin J.

Yes, 92; No, 50; Absent, 9; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 9 being absent, and accordingly Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

On motion of Representative **BROOKS** of Winterport, the following Joint Order: (H.P. 122) (Cosponsored by Representatives: **BAKER** of Bangor, **DORR** of Camden, **DUPLESSIE** of Westbrook, **FULLER** of Manchester, **McKEE** of Wayne, **SCHNEIDER** of Durham, **SHIELDS** of Auburn)

ORDERED, the Senate concurring, that the Joint Select Committee on the Psychiatric Treatment Initiative is established as follows.

Sec. 1. Committee established. The Joint Select Committee on the Psychiatric Treatment Initiative, referred to in this order as the "committee," is established to work with the interested parties in the community and to report regarding the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services regarding the recommendations for improved community services as described in the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic."

Sec. 2. Membership. The presiding President of the Senate shall appoint 4 members from the Senate, 2 of whom must be members of the Democratic Party and 2 of whom must be members of the Republican Party. The Speaker of the House shall appoint 4 members from the House of Representatives, 2 of whom must be members of the Democratic Party and 2 of whom must be members of the Republican Party. In making appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice.

Sec. 3. Appointments; chairs; convening of committee. All appointments must be made no later than August 1, 2001. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than September 1, 2001. The committee may meet up to 4 times to carry out its duties.

Sec. 4. Duties. The duties of the committee include:

1. Overseeing the efforts of the Department of Mental Health, Mental Retardation and Substance Abuse Services to address the recommendations for departmental action detailed in pages 24 to 26 of the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic";

2. Working with community hospitals, community psychiatric hospitals, community providers, consumers of mental health services and interested members of the public; and

3. Reporting on the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice by November 1, 2002. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

Sec. 5. Staff assistance. Staffing may be provided by the Office of Policy and Legal Analysis by request of the committee to the Legislative Council, with secondary staffing provided by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The department shall provide information, data and research services as reasonably required by the committee. The committee shall request the assistance of and shall invite to their meetings representatives of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections.

Sec. 6. Compensation. The members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

READ and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative GLYNN of South Portland, the following House Order: (H.O. 11)

ORDERED, that the House Rules be amended by striking out all of House Rule 401, section 12 and House Rule 504 and inserting in their place the following:

12. Voting. A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member. A division on a question must be recorded by the yeas and nays. When yeas and nays are ordered, a member may not leave the member's seat until the vote is declared. A call for yeas and nays must close no more than 30 minutes after a roll call is commenced. In all elections by the House, or on joint ballot of the Chambers, a member may not leave the member's seat after voting, before a return of the House is had. A member may not vote on any question before the House when that question immediately involves that member's private right as distinct from the public interest.

Rule 504. Previous question. When a motion for the previous question is made, the consent of one third of the members present is necessary to authorize the Speaker to entertain the motion. Debate is not allowed until the matter of consent is determined. The previous question must be submitted in the following words: Shall the main question be put now? A member may not speak more than 5 minutes on the motion for the previous question. A call for the yeas and nays is in order after the main question has been ordered to be put. After the adoption of the previous question, the vote must be taken upon amendments and then upon the main question.

READ.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. I am presenting an issue, which I believe to be one of the most key issues of accountability in our government and that is the recording of our votes. As members of the House are well aware, we take votes in a variety of manners. We vote under the gavel, a unanimous vote. On those votes, individual votes are not recorded. This proposal does not attempt to change that in any way. Additionally, when we disagree as members with one another, as we often do, we can have votes taken by either a division, which is how individual members of this assembly vote is not recorded and by roll call vote, which does record how we vote for the public. When we vote by either a division or a roll call vote, each one of us is called upon to press either the yea or nay button. Our lights are registered up on the board. The differences are very extreme in my mind. When we ask to have a division taken, the bell doesn't sound. Often times members may be out in the hall returning a call, speaking to a constituent and often times many were, myself included, called upon to actually meet in a committee room when the House was in session and not having a bell ring means that the member does not know that a call is being made for them to vote. Their constituency is not represented in this assembly. This is just plain wrong. Other times why votes are not asked to be put on the record is that individual members of this body are aware, I have seen it time and time again, when a request for a division, a non-recorded vote is taken, we get one vote tally and

when one is to ask and inquire to this body by roll call vote, it differs. I find that very disturbing that members vote differently based on whether or not they are on record.

I think probably the greatest lie a governmental official could ever tell or convey is actually a lie of omission. Your constituents and my constituents absolutely have a right to know how each and every one of us vote on each and every issue before this assembly. If the vote requested is unanimous and it is under the gavel, if you pressed your quorum button, your constituent knows you were here and you voted in favor of it. They have a right to know if you differ, how you represent them and how that vote is counted. I have seen so many parliamentary shenanigans while I have been here and I am very much alarmed. I believe very much in the process. I believe that we have made a tremendous investment, the people of the State of Maine, in the electronics of this chamber. We talk about having our proceedings actually televised, but we don't record how we vote. We pulled several votes up on the Internet given the community and our constituents the appearance that, in fact, all of our votes are taken and posted when, in fact, they aren't.

Mr. Speaker, ladies and gentlemen of the House, I believe that Vice President Al Gore was correct. If you want every vote to count, then you must count every vote. I think that that statement applies to this, as well as many other issues. Ladies and gentlemen, I urge your support. When the vote is taken, I request the yeas and nays so that the people of Maine know once and for all who believes that they should know how they voted.

Speaker SAXL of Portland **REQUESTED** a roll call on **PASSAGE**.

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

Representative ETNIER of Harpswell moved that the House Order and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the House Order 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 Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. First of all, a couple of things. First of all, this House Order that is before us on today's calendar (4-6) is similar to some of the other things that come before us, as far as I am concerned, they are a solution looking for a problem. This, as the good Representative Bruno alluded to earlier, was one of these that did not come before the Rules Committee, although the Rules Committee met several times during the fall primarily and worked on a number of issues and the meetings were publicly noticed. This issue did not come before us and we did not have a chance to deliberate on this in that fashion. It certainly would have been helpful.

For your information for some of you folks who were new, a lot of us are new in here, a division is often called for by the Chair/Speaker when there is any debate at all on a motion before us. If there is any controversy, rather than just putting it under the hammer, the Speaker will ask for a division from the chair if there is any debate on the floor. That slows the process down as it should be. It allows people a chance to vote and see what is going on if there is any debate on the floor. The one thing that

wasn't mentioned before and is extremely important to note is that once that division has been called for, a division is just when you light up your light red or green, it is still highly appropriate after the division has been finished to stand up in your seat and request a roll call. A division having been asked for and having been taken by the House is not the end of the discussion. Any member who feels that it is important that they be on record on this matter or that all the members of the House be notified through the ringing of the bell and the summoning through the roll call process can stand up in their seat and request a roll call. It happens virtually every time that there is a division, frankly. I can't remember the last time when I saw a division where there wasn't a roll call that just immediately came after that. That is as it should be.

One thing that wasn't mentioned, a roll call is pretty easy to come by in this body, as it should be. As you heard the Speaker say any number of times, all it takes is one-fifth of those of us sitting here to request a roll call. Ladies and gentlemen, that is an appropriately low threshold for a roll call. In my tenure here, I think I have only once seen a roll call denied. It must have been for pretty good reason if you couldn't even get one-fifth of your colleagues here to support you on a roll call motion.

In all deference to the good Representative from South Portland, that is all I feel obliged to say on this. I urge you to support the Indefinite Postponement.

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

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

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. Could we have a number on how much this would cost if we had roll calls continuously on every vote? How much is it going to cost the people of the State of Maine to have us on record for every vote that we take? Thank you.

The **SPEAKER**: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. In reference to the good Representative from Rome's question, I don't believe that there would be any additional costs because the computer equipment that records our votes is already here and in the chambers and simply would be additional information kept on behalf of the public. Our roll call votes are printed when one is requested on an 8.5 by 11 sheet of paper. It would be essentially a very small difference in time. As most members here know, time is something that this assembly is not as efficient with as we would like.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I am rising to respond as best I can to the question that was asked by one of the previous speakers in terms of the expense we might incur. In a very practical way and I am not a numbers crunching person, but I know from experience from the returns in this chamber that as we continue on in the session, I know that those roll call votes tend to disrupt work on the Appropriations Committee that meets while we are doing debates and they are called back to chamber to vote. My recollection is those roll call votes are taking an enormous amount of time to get all members back to the chamber.

Certainly 15 or 20 minutes or more is what it takes. I am just projecting out as we go on with the session how much time it will take to do the business of the chamber with, in fact, roll call votes on every matter before us. I can see us having to extend the length of the session just to be able to accommodate that. I don't know in terms of money how much that will cost, but I certainly know in time, it would certainly be extended. Thank you.

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

ROLL CALL NO. 5

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Carr, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Kasprzak, Lovett, MacDougall, McKenney, Mendros, Michael, Morrison, Murphy T, Nass, Peavey, Perkins, Pinkham, Schneider, Shields, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Young.

ABSENT - Bagley, Buck, Marrache, Muse C, Muse K, Rosen, Stanley, Tobin J.

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

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the House Order and all accompanying papers were **INDEFINITELY POSTPONED**.

On motion of Representative TRAHAN of Waldoboro, the following House Order: (H.O. 12)

ORDERED, that the House Rules be amended by amending House Rule 401 by adding at the end a new section 14 to read:

14. Roll call. A member may not threaten, intimidate or coerce another member during a roll call.

READ.

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

Representative TRAHAN: Mr. Speaker, Men and Women of the House. I rise today to explain to you why I brought this amendment. It does some interesting things. First, I will explain why I brought the amendment. When I was a new member of the House, one of the first things I observed as a new Representative was very close votes. That sometimes during those votes people will switch votes back and forth. During that switching of votes, is a lot of note passing. I was very concerned with that. I was wondering why all these notes were flying

around and people's votes were changing. I started asking around. I went to my leadership and I started asking other legislators why the votes were changing. I was instructed that during roll calls people communicate back and forth and will often ask people to support them on this one. We need you or things like that. Personally, I might not consider that okay, I guess if this body thinks it is okay, that is fine. I can accept that.

What really concerns me is when I started to hear stories from people on both sides of the aisle that some of them might lose their bills or they might lose their committee assignment or some other things that may occur if they didn't vote the way they did. To me, that was concerning. Not just the fact that those might be rumors or people exaggerating or stretching the truth or whatever it may be, but because that threat was there that some people felt this pressure. To me, that is a concern. Other legislators when I said that to them said that that is part of the political process. I would say to you that that is not part of the political process. That is part of the voting process. In this country, we put a lot of integrity into our voting systems. That really concerned me. To my very good surprise, I brought those concerns to the majority party leader and I was extremely pleased to hear him echo those same concerns that that type of activity should not occur in this body. It has no place here. He shook my hand and then gave me his word that it wouldn't happen here. I thought for a few minutes and said, "We make our rules. We enforce our own rules." Basically we depend on the integrity of those people that lead us. In this case, I believe the majority party leader. For that reason, sometimes we have to trust in the integrity of those that lead us, whether they be on the other side of the aisle or not, Mr. Speaker, I make the motion that we indefinitely Postpone this amendment. Thank you.

On further motion of the same Representative, the House Order and all accompanying papers was **INDEFINITELY POSTPONED**.

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

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 13)

ORDERED, that Representative Deborah K. McNeil of Rockland be excused Thursday, January 4, 2001 for legislative business.

READ and PASSED.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 9, 2001, 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 Create a Uniform Standard Governing Legislative Leaves of Absence"

(H.P. 53) (L.D. 62)

(Committee on **LABOR** suggested)

TABLED - January 9, 2001 (Till Later Today) by Representative MATTHEWS of Winslow.

PENDING - **REFERENCE**.

Subsequently, the Bill was REFERRED to the Committee on LABOR and sent for concurrence.

Bill "An Act to Provide for Graduated Eligibility Requirements for the Elderly Low-cost Drug Program"

(H.P. 41) (L.D. 50)

(Committee on TAXATION suggested)

TABLED - January 9, 2001 (Till Later Today) by Representative GREEN of Monmouth.

PENDING - REFERENCE.

On motion of Representative GREEN of Monmouth, the Bill was REFERRED to the Committee on HEALTH AND HUMAN SERVICES and sent for concurrence.

Bill "An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License"

(H.P. 80) (L.D. 89)

(Committee on TRANSPORTATION suggested)

TABLED - January 9, 2001 (Till Later Today) by Representative FISHER of Brewer.

PENDING - REFERENCE.

Subsequently, the Bill was REFERRED to the Committee on TRANSPORTATION and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 27)

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 207, section 1 to read:

1. **Legislator and Department Bills.** The titles and sponsors' names of requests for bills and resolves submitted by legislators or by departments, agencies or commissions are considered public information upon filing. The legislator, department, agency or commission may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed cloture. ~~The names of the sponsors become public information on the cloture date, and a~~ A list of titles and sponsors must be published as soon as practicable after cloture. The names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council.

Came from the Senate, READ and PASSED.

READ and PASSED in concurrence.

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

Non-Concurrent Matter

Bill "An Act to Prohibit the Removal or Destruction of Street Signs"

(H.P. 35) (L.D. 44)

REFERRED to the Committee on CRIMINAL JUSTICE in the House on January 9, 2001.

Came from the Senate REFERRED to the Committee on TRANSPORTATION in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Bill "An Act Regarding Notice to the Secretary of State When a Motor Vehicle Insurance Policy is Cancelled"

(H.P. 82) (L.D. 91)

REFERRED to the Committee on TRANSPORTATION in the House on January 9, 2001.

Came from the Senate REFERRED to the Committee on BANKING AND INSURANCE in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

ORDERS

On motion of Representative MENDROS of Lewiston, the following Joint Order: (H.P. 124)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 404-A to read:

Rule 404-A. Yeas and Nays.

A call for the yeas and nays is mandatory on every vote on bills on their passage to be enacted.

READ.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. The rule you have before you is pretty straightforward and simple. It is about good government. We heard a lot of arguments about divisions. This is really simple. At final enactment of any legislation that we pass, we get a roll call vote. What this asks for is we are going to spend taxpayer money. We are going to change some rule that the people of Maine have to live by and take a little bit of time to actually vote and record how we stand. Is this going to take up a lot of time? I don't think that it will. You can have up to 10 go under the hammer at once. If we are all in here we know we are going to have 10 bills we are voting on one after another. We can sit here and not get up between each one since we know there is going to be 10 and there isn't going to be much debate on each one and vote on each one. The only state that borders us, I won't mention its name, when they have roll call votes, they only have 15 seconds. They open the roll call. They vote and it is done. If we know this is going to happen, it isn't a big amount of time that we are going to waste. As far as that argument goes, it is good for us for us to be on the record. We heard on the division that this may be a solution looking for a problem. I can tell you when we came in at the beginning of the 119th Legislature in the first session, my phone was ringing off the hook, as was everyone else's, I am sure, who served in the 119th because in the 118th there was a confidentiality bill passed. The hospitals were clamoring and when we looked that up, that went under the hammer. It was passed. It was a bad bill and the 118th legislators were responsible because it went under the hammer and we technically voted for it, but there was a lot of consternation about it. In the second session of the 119th we had another bill that we had to deal with that went under the hammer. That bill was fingerprinting of teachers without reimbursing them. What a mess that was. I am sure everybody, whether you were in the Legislature or not, remembers that ordeal. These are things that happened because we were in a

rush and we want to be efficient. I present to you that a monarchy is an awfully efficient form of government, but we said 225 years ago that we didn't want that kind of government. We wanted to be a little inefficient. I ask you for the sake of good government, please join me in recording the final enactment only of every piece of legislation that we vote on. Thank you.

Representative ETNIER of Harpswell moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Joint Order 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 Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. This Joint Rule change that the good Representative Mendros has brought forward is very similar to one that we had a couple of years ago. I don't know who sponsored that one, but that one was even more comprehensive, shall we say, in that it covered virtually everything we did in here requiring roll calls on all those things except perhaps adjournment and quorum calls. This one is minutely paired down and applies to all bills upon enactment. I can't use props when I debate things here. On my desk there is a stack of books on all bills that were enacted in the 119th. It is a couple inches high. It is many, many pages long. There are hundreds of enacted laws. We had in the 119th session, we had over 700 roll call votes in this chamber.

A couple of other things before I move on, I certainly do not want us to have to fall lock step with our good friends from south of the border. They seem to have their share of problems down there. I also want to mention that relative to the fingerprinting bill, there was a lot of roll call votes on fingerprinting. I didn't keep track of the roll calls, but that is certainly easy enough to do. There was a dozen probably. There was at least 12 hours of debate. I kept track of that because I could hardly bare it. There was adequate roll call votes on fingerprinting the last session. Perhaps not in the 118th, but we are all on record now in that one. A couple of years ago this similar change to the Joint Rules generated a couple editorials and it didn't seem to go any further than that.

To me, this really plays to what I feel is the lowest common denominator of the public and the presses misconceptions that we, in the Maine State Legislature, operate in some sort of covert, secretive and dark fashion. This plays to that misconception that frankly our friends in the press have fun with and therefore our friends in the public believe. To me, having been here for a while, about as long as you are allowed these days, nothing can be further than the truth. I am consistently impressed how open, thorough, deliberative in all facets that the Maine Legislature is. I think it is something we should be very proud of, how open we are to the public and how we go out of our way to include them and let them know what we are up to. I think that is something we should all be very proud of.

My constituents when they elected me here and I am sure yours as well, they elected us here because they work hard at their jobs at home and they expect us to work hard at the job that they have elected us to do for them here in the Maine House. This Joint Rule change that is before us would be a significant waste of the limited time in which we have to operate here doing their work. I repeat that. This results in a significant waste of our

valuable time performing their duties on their behalf. That would be a shame. I think it would be a disservice to our constituents to support that. I urge you to support the Indefinite Postponement and please don't let credence, lend credence to the myths that I believe are embodied in the Joint Rule change that is before you. Thank you.

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

ROLL CALL NO. 6

YEA - Andrews, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Jodrey, Kasprzak, Ledwin, MacDougall, Mendros, Michael, Morrison, Murphy T, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Schneider, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse.

ABSENT - Bagley, Buck, Marrache, Muse C, Muse K, Perry, Rosen, Stanley, Tobin J.

Yes, 110; No, 32; Absent, 9; Excused, 0.

110 having voted in the affirmative and 32 voted in the negative, with 9 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 125)

ORDERED, the Senate concurring, that 2 joint select committees of the 120th Legislature be established; and be it further

Sec. 1. ORDERED, that the Joint Select Committee on Research and Development is established as follows.

1. Establishment. The Joint Select Committee on Research and Development, referred to in this section as the "committee," is established.

2. Membership. The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members from the House of Representatives appointed by the Speaker of the House. The members must include at least one Senate member and 2 House members from the Joint Standing Committee on Business and Economic Development. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.

3. Responsibilities. The committee has the following responsibilities:

A. To review legislation referred to it by the Legislature and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation related to research and development;

B. To conduct oversight and review of the State's research and development policies and to make recommendations to the Legislature on appropriate actions to promote research and development in the State, including appropriate funding levels; and

C. To perform other tasks assigned to it by the Legislature or by the President of the Senate and the Speaker of the House jointly, including issuing reports to the Legislature on policy issues related to research and development.

4. Meetings; staffing. The committee may meet once per week, on a day established by the President of the Senate and the Speaker of the House, to complete its work. The Office of Policy and Legal Analysis shall provide staff assistance to the committee. Clerical assistance must be provided by the Legislative Information Office.

5. Reimbursement. Members of the committee are entitled to per diem reimbursement of expenses in the same manner as members of joint standing committees; and be it further

Sec. 2. ORDERED, that the Joint Select Committee on Youth at Risk is established as follows.

1. Establishment. The Joint Select Committee on Youth at Risk, referred to in this section as the "committee," is established.

For purposes of this order, "youth at risk" is defined as:

A. Youth who are without proper care or subsistence, education, a home, or medical or other care necessary for well-being or who are in need of mental health services;

B. Youth who are without or beyond the control of their parents or legal guardians;

C. Youth who are in foster care;

D. Youth who are in imminent danger of serious physical, mental or emotional injury; or

E. Youth who are at risk of prosecution for a juvenile offense.

2. Membership. The committee consists of 3 members from the Senate appointed by the President of the Senate and 10

members of the House of Representatives appointed by the Speaker of the House. The members must include at least one Senate member and 2 House members from each of the following joint standing committees: the Joint Standing Committee on Criminal Justice, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The first named Senate member is the Senate chair and the first named House member is the House of Representatives chair.

3. Responsibilities. The committee has the following responsibilities:

A. To review legislation referred to it by the Legislature concurrently with the joint standing committee having jurisdiction over the policy area and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation related to youth at risk;

B. To analyze the causes contributing to youth at risk and to develop and propose measures to eliminate or reduce the causes contributing to youth at risk; and

C. To perform other tasks that may be assigned to it by the Legislature or by the President of the Senate and the Speaker of the House jointly, including issuing reports to the Legislature on policy issues related to youth at risk.

4. Meetings; staffing. The committee may meet once per week, on a day determined by the President of the Senate and the Speaker of the House, as necessary to complete its work. The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staff assistance to the committee. Clerical assistance must be provided by the Legislative Information Office.

5. Reimbursement. Members of the committee are entitled to per diem and reimbursement of expenses in the same manner as members of joint standing committees.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative MENDROS of Lewiston, the House adjourned at 12:56 p.m., until 10:00 a.m., Tuesday, January 16, 2001 pursuant to the Joint Order (S.P. 28) and in honor and lasting tribute to Laurianne F. Philippon, of Lewiston.