

# MAINE STATE LEGISLATURE

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**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  
6th Legislative Day  
Thursday, January 18, 2001

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

Prayer by Reverend Ronald E. Morrell, Sr., China Baptist Church and Chaplain, Colby College.

National Anthem by Lynn Deeves, Richmond.

Pledge of Allegiance.

The Journal of Tuesday, January 16, 2001 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers"

(H.P. 56) (L.D. 65)

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on January 9, 2001.

Came from the Senate **REFERRED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

On motion of Representative RICHARDSON of Brunswick, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

(H.P. 50) (L.D. 59)

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on January 9, 2001.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

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

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on January 11, 2001.

Came from the Senate **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Livermore, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act to Create a Uniform Standard Governing Legislative Leaves of Absence"

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

**REFERRED** to the Committee on **LABOR** in the House on January 11, 2001.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion of Representative MATTHEWS of Winslow, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Regarding Sex Offender Registration"

(H.P. 159) (L.D. 170)

**REFERRED** to the Committee on **CRIMINAL JUSTICE** in the House on January 16, 2001.

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

On motion of Representative POVICH of Ellsworth, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act to Reduce the Tax on Gasoline"

(H.P. 133) (L.D. 144)

**REFERRED** to the Committee on **TAXATION** in the House on January 16, 2001.

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

Representative GREEN of Monmouth moved that the House **ADHERE**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative GREEN of Monmouth to **ADHERE** and later today assigned.

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**Non-Concurrent Matter**

JOINT ORDER - Relative to Joint Study Order to Establish the Joint Select Committee on the Psychiatric Treatment Initiative

(H.P. 122)

**READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on January 11, 2001.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative KANE of Saco, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

JOINT ORDER - Relative to Establishing 2 Joint Select Committees

(H.P. 125)

**READ** and **PASSED** in the House on January 11, 2001.

Came from the Senate **FAILING** of **PASSAGE** in **NON-CONCURRENCE**.

Representative COLWELL of Gardiner moved that the House **ADHERE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 26)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

January 11, 2001  
Hon. Millicent MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

RE: 4 MRSA §421 the Establishment of Maine Judicial Drug Courts

Dear Madam Clerk:

In accordance with the above captioned title, I have appointed Representative William Savage of Buxton and Representative David Madore of Augusta to the Judicial Drug Court Planning Committee.

If you have any questions regarding these appointments, please contact my office.

Sincerely,

S/Michael V. Saxl

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 27)

**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BUREAU OF BANKING  
36 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

January 15, 2001

The Honorable Michael V. Saxl

Speaker of the House

Maine House of Representatives

State House Station 2

Augusta, Maine 04333

Dear Speaker Saxl:

In accordance with Title 9-B MRSA §217, as amended, I am submitting the *"Annual Report from the Superintendent of the Bureau of Banking to the Legislature."*

Over the past year, Maine's banks and credit unions continued to enjoy solid performance, with good earnings and capital growth spurred on by a steadfastly robust Maine and U.S. economy. However, there are clear signs of a slowdown in the economy at both the national and local levels which indicate the need for renewed regulatory caution for the future.

With the passage of federal financial modernization, or the Gramm-Leach-Bliley Act of 1999, long-standing barriers to affiliation between banks, securities firms, and insurance companies were dismantled. During this time, burgeoning growth in the establishment of Internet web sites has also become prevalent as financial institutions seek ways to deliver increasingly diverse products and services in a fast and convenient manner. These phenomena have heightened the focus on the right to privacy of consumers' nonpublic personal information. Over the past year, federal functional regulators have finalized extensive rules setting national standards to protect an individual's right to privacy of nonpublic personal information. Those rules create additional operational and disclosure requirements that must be implemented by the financial services community within the next six months.

Maine's Universal Bank Charter continues to spark considerable interest, particularly with respect to Maine's specialty bank charter opportunities. Significant interest has also been

expressed by a variety of groups considering the formation of "virtual" institutions, or banks that operate exclusively over the World Wide Web. Over the past year, the Bureau has approved several applications for charter conversions, bank mergers or acquisitions, and formation of limited purpose banks, contributing to the growth in state supervised bank or credit union assets.

Copies of this report have been provided to the members of the Joint Standing Committee on Banking and Insurance. This report will also be available in electronic format at the Bureau of Banking's World Wide Web Home Page at <http://www.MaineBankingReg.org>.

Very truly yours,

S/Howard R. Gray, Jr.

Superintendent

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves 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:

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools"

(H.P. 174) (L.D. 185)

Presented by Representative BERRY of Livermore.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: CUMMINGS of Portland, DESMOND of Mapleton, McNEIL of Rockland, RICHARD of Madison, Senator: TREAT of Kennebec.

Bill "An Act to Provide Continued Funding for the Maine Airs Program"

(H.P. 194) (L.D. 205)

Presented by Representative MAYO of Bath.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: CUMMINGS of Portland, DUDLEY of Portland, FULLER of Manchester, QUINT of Portland, Speaker SAXL of Portland, SCHNEIDER of Durham, Senators: ABROMSON of Cumberland, SMALL of Sagadahoc.

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Resolve, to Implement the Saco Bay Regional Beach Management Plan (EMERGENCY)

(H.P. 186) (L.D. 197)

Presented by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: CLOUGH of Scarborough, LAVERRIERE-BOUCHER of Biddeford, LOVETT of Scarborough, O'NEIL of Saco, TWOMEY of Biddeford.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative BERRY of Livermore, **TABLED** pending **REFERENCE** and later today assigned.

**BANKING AND INSURANCE**

Bill "An Act to Create an Alliance for the Purpose of Purchasing Health Insurance"

(H.P. 193) (L.D. 204)

Presented by Representative MARRACHÉ of Waterville.

Cosponsored by Representative RICHARDSON of Brunswick, Senator LEMONT of York, Senator KILKELLY of Lincoln and Representatives: CANAVAN of Waterville, LAVERRIERE-BOUCHER of Biddeford, PATRICK of Rumford, PINEAU of Jay, TESSIER of Fairfield.

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**CRIMINAL JUSTICE**

Bill "An Act to Exempt from Concealed Firearms Permit Requirements Residents of Other States Allowed to Carry Concealed Firearms"

(H.P. 175) (L.D. 186)

Presented by Representative GLYNN of South Portland.

Cosponsored by Representatives: CARR of Lincoln, MacDOUGALL of North Berwick, MUSE of Fryeburg, SHERMAN of Hodgdon, SNOWE-MELLO of Poland, TRAHAN of Waldoboro, WHEELER of Bridgewater.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Award High School Degrees to Certain Members of the Armed Services"

(H.P. 171) (L.D. 182)

Presented by Representative TREADWELL of Carmel.

Cosponsored by Representative COLWELL of Gardiner, Senator YOUNGBLOOD of Penobscot and Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, CLARK of Millinocket, DUPREY of Hampden, HALL of Bristol, KASPRZAK of Newport, WHEELER of Bridgewater.

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**HEALTH AND HUMAN SERVICES**

Resolve, to Increase Medicaid Reimbursement for Occupational and Physical Therapy and Speech and Language Pathologists and Audiologists

(H.P. 172) (L.D. 183)

Presented by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: DUDLEY of Portland, DUGAY of Cherryfield, FULLER of Manchester, LEMOINE of Old Orchard Beach, MARRACHÉ of Waterville, TESSIER of Fairfield.

Bill "An Act to Provide Relief from Excessive Drug Costs for Maine Residents"

(H.P. 176) (L.D. 187)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator SAWYER of Penobscot and Representatives: ASH of Belfast, CRESSEY of Baldwin, KASPRZAK of Newport, MAYO of Bath, McKENNEY of Cumberland, SHIELDS of Auburn, WINSOR of Norway, Senator: LEMONT of York.

Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program

(H.P. 177) (L.D. 188)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator KNEELAND of Aroostook and Representatives: BROOKS of Winterport, COLWELL of Gardiner, LAVERRIERE-BOUCHER of Biddeford, LOVETT of Scarborough, Senators: GAGNON of Kennebec, MITCHELL of Penobscot.

Bill "An Act to Expand the Elderly Low-cost Drug Program to Cover Over-the-counter Drugs"

(H.P. 178) (L.D. 189)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator LEMONT of York and Representatives: ANNIS of Dover-Foxcroft, ASH of Belfast, CRESSEY of Baldwin, GLYNN of South Portland, MARLEY of Portland, NUTTING of Oakland, Senators: McALEVEY of York, SAWYER of Penobscot.

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

(H.P. 180) (L.D. 191)

Presented by Representative JACOBS of Turner.

Cosponsored by Representative PATRICK of Rumford and Representatives: FULLER of Manchester, SHIELDS of Auburn, Senators: DOUGLASS of Androscoggin, LONGLEY of Waldo.

Bill "An Act to License Freestanding Birth Centers"

(H.P. 190) (L.D. 201)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator RAND of Cumberland and Speaker SAXL of Portland.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act to Limit the Boat Launching in East Winthrop on the Northern End of Cobbosseecontee Lake to Hand Carrying Only"

(H.P. 179) (L.D. 190)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator TREAT of Kennebec.

Bill "An Act to Allow the Stocking of Hungarian Partridge"

(H.P. 189) (L.D. 200)

Presented by Representative TRACY of Rome.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BRYANT of Dixfield, CARR of Lincoln, CHICK of Lebanon, DUNLAP of Old Town, MATTHEWS of Winslow, MICHAEL of Auburn, PERKINS of Penobscot, WHEELER of Eliot.

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**JUDICIARY**

Bill "An Act to Place a Time Limit on the Award of Spousal Support"

(H.P. 184) (L.D. 195)

Presented by Representative COLLINS of Wells.

Cosponsored by Senator FERGUSON of Oxford and Representatives: JACOBS of Turner, McNEIL of Rockland, WATERHOUSE of Bridgton, WHEELER of Eliot, Senators: CARPENTER of York, McALEVEY of York.

Bill "An Act to Improve Maine's Jail Diversion Programs"

(H.P. 191) (L.D. 202)

Presented by Representative CANAVAN of Waterville.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: BRANNIGAN of Portland, FULLER of Manchester, GLYNN of South Portland, JONES of Greenville, LAVERRIERE-BOUCHER of Biddeford, MITCHELL of Vassalboro, QUINT of Portland, SKOGLUND of St. George.

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**LABOR**

Bill "An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System"

(H.P. 185) (L.D. 196)

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: DAVIS of Falmouth, JACOBS of Turner, MURPHY of Berwick, PINKHAM of Lamoine.

Bill "An Act to Provide Notice of Termination Status"

(H.P. 187) (L.D. 198)

Presented by Representative BRYANT of Dixfield.

Cosponsored by Senator GAGNON of Kennebec and Representatives: DAVIS of Falmouth, DUNLAP of Old Town, DUPLESSIE of Westbrook, HATCH of Skowhegan, PATRICK of Rumford.

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act to Allow Families of Deceased Veterans to Maintain Cemetery Plots within the Maine Veterans' Memorial Cemetery System"

(H.P. 170) (L.D. 181)

Presented by Representative POVICH of Ellsworth.

Bill "An Act to Provide Disclosure to Voters by a Person Paid to Collect Signatures"

(H.P. 181) (L.D. 192)

Presented by Representative DAIGLE of Arundel.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BLANCHETTE of Bangor, CHIZMAR of Lisbon, LABRECQUE of Gorham, MAYO of Bath, O'BRIEN of Lewiston, Senators: KILKELLY of Lincoln, LONGLEY of Waldo, WOODCOCK of Franklin.

Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State"

(H.P. 182) (L.D. 193)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BROOKS of Winterport, BRUNO of Raymond, CANAVAN of Waterville, CLARK of Millinocket, HALL of Bristol, MARRACHÉ of Waterville, MITCHELL of Vassalboro, Senator: DAGGETT of Kennebec.

Bill "An Act to Ensure Stability in Maine's Harness Racing and Off-track Betting Business"

(H.P. 183) (L.D. 194)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator GAGNON of Kennebec and Representative: MARRACHÉ of Waterville, Senator: DAGGETT of Kennebec.

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives

(H.P. 188) (L.D. 199)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator FERGUSON of Oxford and Representatives: CARR of Lincoln, FOSTER of Gray, SHERMAN of Hodgdon, STANLEY of Medway, WINSOR of Norway, Senators: SAVAGE of Knox, SHOREY of Washington.

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Bill "An Act to Require That Ballots Be Single-sided"

(H.P. 195) (L.D. 206)

Presented by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BROOKS of Winterport, CHIZMAR of Lisbon, LaVERDIERE of Wilton, LESSARD of Topsham, MITCHELL of Vassalboro, SCHNEIDER of Durham, SHERMAN of Hodgdon, TESSIER of Fairfield.

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**NATURAL RESOURCES**

Bill "An Act to Protect Sensitive Geologic Areas from Oil Contamination"

(H.P. 168) (L.D. 179)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator DOUGLASS of Androscoggin and Representative: COLLINS of Wells.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Expand Contract Zoning Authority for Municipalities"

(H.P. 173) (L.D. 184)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: DAVIS of Falmouth, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, MAILHOT of Lewiston, McDONOUGH of Portland, PERRY of Bangor, RICHARDSON of Brunswick, SIMPSON of Auburn.

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**TAXATION**

Bill "An Act to Increase the Homestead Property Tax Exemption"

(H.P. 169) (L.D. 180)

Presented by Representative BUNKER of Kossuth Township.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BULL of Freeport, CARR of Lincoln, CLARK of Millinocket, JONES of Greenville, RICHARDSON of Brunswick, STANLEY of Medway, WHEELER of Bridgewater, Senator: CATHCART of Penobscot.

Bill "An Act to Establish Medical Savings Accounts"

(H.P. 192) (L.D. 203)

Presented by Representative WATERHOUSE of Bridgton.

Cosponsored by Representative CRESSEY of Baldwin, President Pro Tem BENNETT of Oxford and Representatives: BRUNO of Raymond, DORR of Camden, LaVERDIERE of Wilton, MAYO of Bath, MITCHELL of Vassalboro, SCHNEIDER

of Durham, TRAHAN of Waldoboro, Senator: SMALL of Sagadahoc.

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**ORDERS**

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 14)

ORDERED, that Representative Thomas J. Kane of Saco be excused Tuesday, January 9, 2001 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard W. Rosen of Bucksport be excused Thursday, January 11, 2001 for personal reasons.

**READ and PASSED.**

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

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**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 16, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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)

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested)  
 Tabled - January 11, 2001 (Till Later Today) by Representative NORBERT of Portland.

PENDING - REFERENCE.

Subsequently, the Resolution was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

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Bill "An Act to Establish a Child Ombudsman Office"

(H.P. 148) (L.D. 159)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)  
 Tabled - January 16, 2001 (Till Later Today) by Representative KANE of Saco.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

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Bill "An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects" (EMERGENCY)

(H.P. 152) (L.D. 163)

(Committee on **LABOR** suggested)  
 Tabled - January 16, 2001 (Till Later Today) by Representative MATTHEWS of Winslow.

PENDING - REFERENCE.

On motion of Representative MATTHEWS of Winslow, the Bill was **REFERRED** to the Committee on **BANKING AND INSURANCE** and sent for concurrence.

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JOINT ORDER - Relative to amending Joint Rule 310, subsection 5 (H.P. 86)

- In House, House **RECONSIDERED** whereby the Joint Order **FAILED** of **PASSAGE.**

Tabled - January 16, 2001 (Till Later Today) by Representative DUDLEY of Portland.

PENDING - **PASSAGE.**

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

Representative **BRUNO:** Mr. Speaker, Men and Women of the House. I rise again today and present the same argument that I presented the other day as to why this rule should not pass. The esteemed Rules Committee did not have a chance to review this new rule. Most rule changes are a major proportion, major rule changes go to the committee for approval and deliberation. We have not seen that. Things have not changed in the past five days, since the last time we voted on this. I ask that when you vote on this, you vote the same way you did last time. This rules change should go to the Rules Committee. There was time for the Rules Committee to meet and to debate this and deliberate it and come out with a unanimous or divided report. We have not seen that. Mr. Speaker, I ask for a roll call.

Representative BRUNO of Raymond **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 Penobscot Nation, Representative Loring.

Representative **LORING:** Mr. Speaker, Men and Women of the House. In response to Representative Bruno's concern about the rule not going to the Joint Rules Committee, I do want to say that it was not a conscience effort that we ignore the Rules Committee. It is just that the idea of the amendment to tribal representation came after the Rules Committee hearings. There was never another meeting so we never got the chance to bring it before the Rules Committee. I do want to also say that there are some concerns about the one person, one vote part of this rule. At the federal level, the territorial delegates are allowed to vote in committee. For several years they were also granted the right to vote in the committee as a whole. The latter situation was challenged and upheld by both DC District Court and DC Circuit Court of Appeals. As indicated in the Michael case, which is Michael V. Andrews, when the legislative body is taking non-final action through its committees, including a committee of the whole, it is not legislating and therefore the one person one vote principle is not applicable. Rather, the relevant constitutional provision is the one giving the separate houses of the Legislature the authority to adopt their own procedures for considering legislation. Actions by committees are advisory rather than final and legislative rules could allow voting participation by Tribal Representatives. Thank you.

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

Representative **BROOKS:** Mr. Speaker, Ladies and Gentlemen of the House. As the previous speaker stated a few minutes ago, I rise today to give you some of the same arguments that were given to you the other day. The only thing that may have changed is that those of us who served on a committee last year to look at Native American rights in this body have had an opportunity to talk to people to enlighten them about what truly did go on. As Representative Loring said, there is some misconception about whether or not there was any attempt or any effort to circumvent or not go before the Rules Committee. That is absolutely untrue. I sponsored the legislation last year to

look at a number of issues involving the Native American rights within this body and within the other body. We came back with some recommendations in a report. One of those recommendations we did take up the other day. It wasn't until after the Rules Committee had started to do its work and to conduct its meeting that we realized that this particular proposal of allowing the Native American Representatives to vote in committee hadn't been brought before the Rules Committee. For that, I apologize. It was an oversight. That was the process and that process, yes, I will admit, should have been followed. Being unable to do that at that point in history, then the process that we thought was appropriate to follow was to bring the order directly to the floor and let us decide that.

To repeat, for a long time this body has looked at, investigated, studied and discussed the participation of the Native Americans on the floor. We have made some changes in the orders. We just made recently another change allowing amendments to be offered. I ask you the same question that I asked the other day, think about it, being able to propose a piece of legislation, having it referred to committee and then when you get to committee, you may not be able to vote on that issue. This order would allow simply that. If and when a bill is proposed by a Native American Representative it is regulated under the current rules that that be something that is specifically related to the Indians or the Indian Land Claims or the Native American issues. When that bill comes to committee there is a public hearing just like all other bills and they have an opportunity to discuss that in that hearing forum. However, they are not allowed to vote on it. I think that is the extension that we can grant to them this year. It is an allowance to vote on their own bills.

We have also talked a lot about the constitutionality of allowing voting privileges on this floor. I am not going to stand here and disagree that there are some issues that I, too, haven't been able to resolve with regard to voting on the floor. I do believe that voting in committee on their specific pieces of legislation does not violate that constitution, neither ours or the US Constitution. I ask you to please follow my light on this and to allow us to move forward with participation by the Representatives that come from the Native Americans.

Yesterday at my home I received in the mail and for whatever reason, probably because I am nervous, I can't remember the legislative group of councils. There is a lead article on there, again, I apologize, I didn't get a chance to read, but across the nation bodies of governments are looking at participation by Native Americans. I see a few heads shaking so perhaps some of the rest of you have seen that argument. Again, I am not going to quote it or go into it in any detail because I haven't read it. I think that Maine leads the nation in many, many areas. There is legislation before this body that will be coming before us in a public hearing in a short time where we will be able to do something that is unique again to this country. Let us continue to lead the nation with the participation of a sovereign nation as declared under the Maine Indian Land Claims Act and some limited participation in this body of government. Again, I repeat, please follow my light and pass this order. Thank you Mr. Speaker.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. The Constitution very clearly delineates who can vote in this body. If our friends from the

Native American groups want to vote in this body, they can be elected as a Representative of their particular district. I maintain and ask you to consider that each committee is an extension of this body. Who votes in committees other than duly elected members? I do not believe that exceptions should be made until the Constitution is amended. I submit that for your consideration to keep it as pure as it is. Thank you.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. First of all, I just want to quickly comment on the good gentleman from Auburn, I believe the last time in this body he referred this to a politically correct kind of vote. Ladies and gentlemen of the House, it seems to me that if one group of citizens, and there are just more than just Native Americans, have been denied the opportunity to participate fully in this country and with the kinds of historic violations of their rights, it is Native Americans. As Representative Brooks mentioned, it is nice to be a member of this Legislature because we have a history in this body of involving the Native American Representatives. I believe we are probably one of the first Legislatures to have their representation here. Now we are simply asking them to be able to participate in intra-committee and to be able to vote on their own issues, intra-committee. It seems like a modest change to me. My questions the other day, and they are the same today, is what is the federal government or the Congress doing? We have heard this morning that they allow intra-committee votes by the Tribal Representatives in Congress. I would like to know what other Legislatures do. This is a modest change, ladies and gentlemen, in the committee on a specific narrow piece of legislation affecting Indian Tribes in Maine. I see it as modest and I offer those questions if anyone has any further elaboration on them. I am prepared to vote as I did the other day and it is not politically correct, it is the correct thing to do. I will vote accordingly.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. The Rules Committee has been very sympathetic to Maine Native peoples. I am greatly in their debt. I do think we have moved ahead in Congress and that represents a positive step too. When the good Representative Loring stood up last week to say that we feel invisible. That word was palatable to me. In my work in Native studies in Washington at the archives, museums here in the State of Maine and at my attendance at meeting across the state, that word resonates, invisibility. In letters to Indian Agents and letters to Washington and to leaders over the past 300 years, we feel invisible. Invisibility still exists. Maine schools are not required, at this point, to teach Wabanaki education. I can remember as an educator when in the '60s and '70s it was very important to teach African American studies. Folks were saying, why can't we just incorporate it into US History? Today we have and we no longer have those courses in our high school because we are better educated about that issue. Unfortunately, Wabanaki education is still largely untaught in our schools unless someone is "into" Indians or likes to teach that and further adding to the invisibility of the Wabanaki peoples of the State of Maine.

We have had excellent support in the past from the Representatives of Native peoples and they have stood on the floor of this House in support of the tribes and their districts. Unfortunately, sometimes these Representatives are not on the



committee that is hearing a particular bill. I think particularly of last year in Judiciary when it was fortunate that the good Representative Loring was actually sitting on Judiciary when she is able to be there and to help educate us about the s word. I remember how poignant it was when a good Representative stood up and talked about the fact that on that day and on his return to the county, suddenly when he saw the s word mountain, it suddenly meant something to him and he had never known that before. When I think about the rudimentary education that we have regarding the Native peoples, I think that we need to do everything we possibly can to erase that invisibility and to increase education. This is a small step. I appreciate process. Principle will go over process for me today. We are moving in the right direction. I feel that this is a strong message to the people of the State of Maine. We do care about Native peoples. We have not always shown that. We can do this in a small way today. I do not believe that it represents anything serious as far as one person, one vote here. I hope you will follow my light and those of others sitting here today in support of Maine Native peoples on this issue.

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

Representative SCHNEIDER: Mr. Speaker, Men and Women of the House. I served on the committee last year to study tribal representation in the Legislature. I would like to offer a couple of factual answers to the questions posed by the Representative from Winslow, Representative Matthews. He had two questions, the first was, what other states do as far as representation of tribal members? Maine, I am proud to say, is the only state that has official representation by members of its Indian Tribes in the Legislature. That is a tremendous thing. The second question was, how Congress handles the votes of Representatives from the territories? Congress has a body called the Committee of the Whole, which includes all of the members of Congress so that they can debate and talk about issues without submitting themselves to the formal rules of the floor of Congress. Territorial Representatives have a vote in the Committee of the Whole, but not on the floor of Congress. That vote counts in the Committee of the Whole as long as it does not make a difference to the outcome of the question. If the vote of the Territorial Representatives makes a difference in the outcome of the question, it does not count. Thank you Mr. Speaker.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. I would again ask the question, or have you consider the question, of whether a person who represents the tribes as an elected Representative from a district should sit on the same committee as a tribal member and that issue would be having two votes from the same area. I think you should consider that as a constitutional question as to whether that is proper or not.

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

Representative SOCTOMAH: Mr. Speaker, Men and Women of the House. We have entered a new area. A era where the Native people of this great State of Maine want to be heard. The people of this great state want to hear from Native people. Now other states are looking at this relationship and trying to duplicate it. Something must be going right if they want to duplicate this. Maine has a unique relationship with the Passamaquoddy and the Penobscots. We are not just a small group of people. We

have a legal and a historic relationship with Maine and the United States. Why are we here? My forefathers and your forefathers. The formation of this state thought it was a good idea for us to be represented here. We are the tribes that were written in the first Constitution of Maine. The tribes were written in the first Constitution of the United States. In 1980, the first modern day treaty was signed between the Passamaquoddy, the Penobscots and the State of Maine. The tribes of Maine are now asking for a voice in the laws, which are being made here, which exclusively and directly affect Indian communities. Last year about 10 Native bills were introduced that would exclusively impact our communities from a total of over 2,500 that were looked at over last year. That amounts to one-half of 1 percent. The tribes want to be part of this process, especially when it affects our communities. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. Mine is just a short dissertation. I think something did change from last time. I was saddened when I left this room. I was saddened. Representative Schneider, I have such great respect for him and his knowledge and so many of you are so full of good will and you come here to do the people's work. We have two Representatives that I respect also who want to be heard. I can't help but reflect in last session when the Speaker of the House, Speaker Rowe, would have to remind us how many of us were absent at committees. How many of us couldn't operate because there wasn't a quorum. Do we take that to our advantage? We are on a committee and sometimes we don't show up and sometimes there isn't a quorum and here are two people who are struggling to be heard. Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I have heard a lot of arguments today as to why we should pass this rule. The one thing I haven't heard is the true reason why it did not get to the Rules Committee, other than an excuse that it wasn't done on time. We have heard all kinds of reasons here, mostly emotional reasons, why we should allow the Native Americans to vote in committee. As I said last week, you know it may be a good idea, but I won't know until the Rules Committee has a chance to hear it. I want someone to look at this in detail, not just bring it to the floor of the House and ask for a roll call vote and hope it passes. We have gotten so far up field on the arguments of what this is about that we can't get back to the real issue, which is why didn't it get to the rules committee in this process. Good principle always wins in process. If this is a good idea, then let's go to the Rules Committee. That is all we are asking. That is our argument. Let's not let emotion play into this vote. I ask you to vote against this again until it goes to the Rules Committee. Thank you Mr. Speaker.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I will be succinct about this because I could go on about all kinds of different topics related to this, but it is not relevant. I do think it is very curious, given my particular heritage, my family came to the United States from Scotland, and thinking of that and how the Scottish Tartans were banned in Scotland after the British took over up there a couple hundred years ago, that now we have a bill before this Legislature

pending to designate an official Maine Tartan, which I find curious given this talking about representation on committees. A thought comes to my mind that we have a number of study committees, which vote to report out legislation to the Legislature. Many of the members of those committees are common citizens. They are not elected members of this body as is with the concerns. I would counter with that. Also, a point was made earlier that we should be proud of this state, that we do so much more than any other state in the union. My reply to that is, should we really stop there? Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. A vote in committee is not a vote on the floor of this body or the other body. There are two reasons why any of us may vote for a bill in committee. One, to show support for a bill. Two, to bring an issue to the attention of the Legislature as a whole. When I vote for a bill in committee, it does not add a vote to the tally on the floor of this body or the other body. If a Tribal member of this body votes for a bill in committee, it may result in influencing your vote or my vote, but it will not result in 152 votes in the House or 36 votes in the other body. The vote tallies will remain absolutely the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

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

The SPEAKER: The Representative may pose his question.

Representative **MADORE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer it, currently the Tribal Representatives sit on a Joint Standing Committee making it 14 members. If we were to give them the power, that means that the 14<sup>th</sup> member voting on the committee, who and how would it be determined which member would be removed in order to bring it back to 13?

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

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

The SPEAKER: The Representative may pose her question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I don't have the answer to that question, but I do have a question of my own. Is there anything presently in Maine State Law that prevents a member of any nation, Indian or otherwise, to run as a candidate for the House or the Senate gaining them the same exact rights and privileges of each and every other member of the House or the Senate?

The SPEAKER: The Representative from Newport, Representative Kasprzak 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, Ladies and Gentlemen of the House. As a member of the Rules Committee, that question was asked to the Attorney General's Office and the answer was there was nothing that prevents a Tribal Representative from running for a natural seat here in this body.

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. 7**

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

NAY - Andrews, Annis, Berry DP, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Cote, Cresse, 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, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Stedman, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Belanger, Chizmar, Quint, Richard, Snowe-Mello, Stanley, Usher, Watson.

Yes, 66; No, 76; Absent, 9; Excused, 0.

66 having voted in the affirmative and 76 voted in the negative, with 9 being absent, and accordingly the Joint Order **FAILED** of **PASSAGE**.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 52)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 23, 2001, at 6:30 in the evening.

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

**READ** and **PASSED** in concurrence.

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Bill "An Act to Fund the Maine Biomedical Research Program"

(S.P. 42) (L.D. 210)

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

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

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Bill "An Act to Ensure Statewide Assistance to Maine's Homeless Youth"

(S.P. 50) (L.D. 218)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion of Representative BERRY of Livermore, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Amend the Uninsured Motor Vehicle Coverage Requirements"

(S.P. 40) (L.D. 208)

Bill "An Act to Clarify Mixed Automobile Insurance"

(S.P. 45) (L.D. 213)

Bill "An Act to Clarify Insurance Coverage for Victims of Domestic Violence"

(S.P. 49) (L.D. 217)

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.

Bill "An Act Regarding Out-of-district Placement"

(S.P. 47) (L.D. 215)

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act to Offer Greater Financial Incentives Promoting Quality Child Care"

(S.P. 48) (L.D. 216)

Bill "An Act to Expand the Cub Care Program and to Establish the Bear Care Program"

(S.P. 51) (L.D. 219)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act to Amend the Laws Governing Campaign Contributions"

(S.P. 46) (L.D. 214)

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Charleston, Maine

(S.P. 39) (L.D. 207)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act to Increase the Amount Transferred through State-municipal Revenue Sharing"

(S.P. 41) (L.D. 209)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

Bill "An Act to Improve Child Care Funding"

(S.P. 44) (L.D. 212)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

#### **Non-Concurrent Matter**

Bill "An Act to Provide Services to People with Autism"

(H.P. 138) (L.D. 149)

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on January 16, 2001.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Livermore, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

On motion of Representative HUTTON of Bowdoinham, the House adjourned at 11:24 a.m., until 6:30 p.m., Tuesday, January 23, 2001 pursuant to the Joint Order (S.P. 52).