

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
12th Legislative Day
Thursday, February 8, 2001

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

Prayer by Reverend David E. Avery, First Congregational Church, Eliot.

Pledge of Allegiance.

Doctor of the day, Harry W. Grimmnitz, M.D., Readfield.

The Journal of Tuesday, February 6, 2001 was read and approved.

SENATE PAPERS

Bill "An Act to Correct an Error in the Bureau of Parks and Lands Statute"

(S.P. 144) (L.D. 488)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act to Increase the Bond Ceiling of the University of Maine System"

(S.P. 154) (L.D. 498)

Bill "An Act to Continue the Donated Dental Services Program"

(S.P. 161) (L.D. 505)

Bill "An Act to Expand Funding for the Maine Research Internships for Teachers and Students Program"

(S.P. 162) (L.D. 506)

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.

Bill "An Act Regarding Service Contracts"

(S.P. 147) (L.D. 491)

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.

Resolve, to Provide Improved Access to Quality Locally Grown Foods through Expansion of the Farmers' Market Nutrition Program

(S.P. 164) (L.D. 583)

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 Clarify the Testing Process for the Licensing of Guides"

(S.P. 167) (L.D. 586)

Bill "An Act to Clarify Laws Pertaining to Nuisance Wildlife"

(S.P. 168) (L.D. 587)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Provide Pay Equity"

(S.P. 145) (L.D. 489)

Bill "An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations"

(S.P. 155) (L.D. 499)

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

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

Bill "An Act to Reform Certain Features of the Clean Election Law"

(S.P. 157) (L.D. 501)

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.

Bill "An Act to Update the Abandoned Property Laws"

(S.P. 120) (L.D. 396)

Committee on **JUDICIARY** suggested and ordered printed.

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

On motion of Representative LaVERDIERE of Wilton, the Bill was **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Create the Right to Fish"

(S.P. 158) (L.D. 502)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act to Establish the State's Recycling and Waste Reduction Goals"

(S.P. 160) (L.D. 504)

Bill "An Act to Encourage Agricultural Development"

(S.P. 165) (L.D. 584)

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

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

Bill "An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails"

(S.P. 150) (L.D. 494)

Bill "An Act to Clarify the Act of Separation of Frye Island from the Town of Standish" (EMERGENCY)

(S.P. 156) (L.D. 500)

Bill "An Act to Prohibit the State from Competing with Private Industry"

(S.P. 163) (L.D. 582)

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 Amend the Maine Revenue-sharing Formula"

(S.P. 152) (L.D. 496)

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 Reimburse Communities that have Constructed Sand and Salt Sheds and are Rated Priority 1 or 2"

(S.P. 148) (L.D. 492)

Bill "An Act to Require the Department of Transportation to Coordinate with Municipalities Regarding Landscaping and Planting"

(S.P. 149) (L.D. 493)

Bill "An Act to Reduce Noise Pollution"

(S.P. 153) (L.D. 497)

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

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

Bill "An Act to Amend the Small Power Production and Cogeneration Laws"

(S.P. 151) (L.D. 495)

Bill "An Act to Remove Telemarketers from the Application of the Consumer Solicitation Sales Laws"

(S.P. 166) (L.D. 585)

Came from the Senate, REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

Bill "An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company" (EMERGENCY)

(S.P. 159) (L.D. 503)

Committee on **JUDICIARY** suggested and ordered printed.

Came from the Senate, REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

Non-Concurrent Matter

Bill "An Act to Reduce the Time Permissible for Displaying Political Signs"

(H.P. 217) (L.D. 252)

REFERRED to the Committee on **TRANSPORTATION** in the House on January 25, 2001.

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

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

(H.P. 280) (L.D. 358)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on January 30, 2001.

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

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 34)

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

February 5, 2001

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, section 227, I am pleased to appoint the following Representatives to the Maine Canadian Legislative Advisory Committee:

Representative Paul L. Tessier of Fairfield

Representative Richard H. Mailhot of Lewiston

Representative Marc Michaud of Fort Kent

Representative David R. Madore of Augusta

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.

The Following Communication: (H.C. 35)

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

February 5, 2001

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, section 231, I am pleased to appoint the following Representatives to the New England and Eastern Canada Legislative Commission:

Representative Paul L. Tessier of Fairfield

Representative Richard H. Mailhot of Lewiston

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.

The Following Communication: (H.C. 36)

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

February 6, 2001
Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5, section 3358, I am pleased to appoint the following Representatives to the Maine Criminal Justice Commission:

Representative Charles E. Mitchell of Vassalboro

Representative William S. Norbert of Portland

Representative Judith B. Peavey of Woolwich

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.

The Following Communication: (S.P. 169)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

January 23, 2001
Senator Anne Rand
Representative Charles LaVerdiere
Chairpersons
Joint Standing Committee on Judiciary
120th Legislature
Augusta, Maine 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Roland Beaudoin of Falmouth for appointment as Maine District Court Judge (no resident designation).

Pursuant to Title 4, M.R.S.A., §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Michael H. Michaud
President of the Senate
S/Michael V. Saxl
Speaker of the House

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

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

The following Bills, Resolves and Resolutions 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act to Prohibit Certain Conduct Relating to Elephants"

(H.P. 488) (L.D. 628)

Presented by Representative MUSE of South Portland.

Cosponsored by President Pro Tem BENNETT of Oxford and Representatives: BLISS of South Portland, GLYNN of South Portland, JONES of Greenville, MARLEY of Portland, McKEE of Wayne, O'NEIL of Saco, QUINT of Portland, Senator: RAND of Cumberland.

BANKING AND INSURANCE

Bill "An Act to Establish the Office of Securities within the Department of Professional and Financial Regulation"

(H.P. 465) (L.D. 593)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CRESSEY of Baldwin, GLYNN of South Portland, SULLIVAN of Biddeford, Senators: ABROMSON of Cumberland, LaFOUNTAIN of York.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Require Health Insurance Providers to Maintain Benefits During the Contract Term"

(H.P. 466) (L.D. 594)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: BRYANT of Dixfield, HUTTON of Bowdoinham, PATRICK of Rumford, PINEAU of Jay.

Bill "An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions"

(H.P. 471) (L.D. 599)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator LaFOUNTAIN of York and Representative: MAYO of Bath.

Bill "An Act to Allow a Mortgagor to Select a Land Title Company to Perform the Title Search"

(H.P. 489) (L.D. 629)

Presented by Representative SHERMAN of Hodgdon.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, CLOUGH of Scarborough, DUNCAN of Presque Isle, FOSTER of Gray, JACOBS of Turner, JODREY of Bethel, MORRISON of Baileyville, WHEELER of Bridgewater.

Committee on **BANKING AND INSURANCE** suggested.

On motion of Representative DUDLEY of Portland, **TABLED** pending **REFERENCE** and later today assigned.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act to Establish the Maine Energy Advisory Council"
(H.P. 506) (L.D. 646)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator TREAT of Kennebec and
Representatives: DUPLESSIE of Westbrook, KOFFMAN of Bar
Harbor, LUNDEEN of Mars Hill, McGLOCKLIN of Embden,
VOLENIK of Brooklin, Senators: KILKELLY of Lincoln,
KNEELAND of Aroostook, NUTTING of Androscoggin.

Committee on **BUSINESS AND ECONOMIC
DEVELOPMENT** suggested.

On motion of Representative RICHARDSON of Brunswick,
TABLED pending **REFERENCE** and later today assigned.

CRIMINAL JUSTICE

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

(H.P. 486) (L.D. 626)

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Representatives: MacDOUGALL of North
Berwick, McNEIL of Rockland, O'BRIEN of Augusta.

Bill "An Act Concerning the Administration of Medications in
County Jails"

(H.P. 502) (L.D. 642)

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BELANGER of Caribou, BUCK of Yarmouth,
BUNKER of Kossuth Township, COLLINS of Wells, JONES of
Greenville, MURPHY of Berwick, SHERMAN of Hodgdon,
WHEELER of Eliot.

Bill "An Act Concerning the Obligation of County Taxpayers
to Pay for Medical Care for County Jail Inmates"

(H.P. 509) (L.D. 649)

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BELANGER of Caribou, BUCK of Yarmouth,
BUNKER of Kossuth Township, COLLINS of Wells, JONES of
Greenville, MURPHY of Berwick, SHERMAN of Hodgdon,
WHEELER of Eliot.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Protect a Child's Right to Bike and Walk to
School"

(H.P. 481) (L.D. 621)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator SAWYER of Penobscot and
Representatives: BROOKS of Winterport, COTE of Lewiston,
CUMMINGS of Portland, HUTTON of Bowdoinham, KOFFMAN
of Bar Harbor, LUNDEEN of Mars Hill, MICHAUD of Fort Kent,
PERKINS of Penobscot.

Bill "An Act to Expand the Definition of School Construction
to Include Renovation and Expansion of Existing Facilities"

(H.P. 487) (L.D. 627)

Presented by Representative MARRACHÉ of Waterville.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: CANAVAN of Waterville, CLARK of Millinocket,

DESMOND of Mapleton, TESSIER of Fairfield, WATSON of
Farmingdale.

HEALTH AND HUMAN SERVICES

Resolve, to Provide Adequate Patient Care Staffing for
Certain Home Care Programs

(H.P. 479) (L.D. 619)

Presented by Representative KANE of Saco.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: BROOKS of Winterport, COLWELL of
Gardiner, FULLER of Manchester, LOVETT of Scarborough,
SNOWE-MELLO of Poland, TARAZEWICH of Waterboro,
TWOMEY of Biddeford, Senator: ROTUNDO of Androscoggin.

Bill "An Act to Eliminate Smoking in Maine Schools and on
School Grounds"

(H.P. 482) (L.D. 622)

Presented by Representative KANE of Saco.
Cosponsored by Senator MILLS of Somerset, Senator GAGNON
of Kennebec and Representatives: BAGLEY of Machias,
COLWELL of Gardiner, FULLER of Manchester, JONES of
Greenville, O'NEIL of Saco, TARAZEWICH of Waterboro,
TWOMEY of Biddeford.

Bill "An Act to Provide Residential and Community-based
Services Through the Children's Mental Health Program"

(H.P. 493) (L.D. 633)

Presented by Representative KANE of Saco.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: COLWELL of Gardiner, SNOWE-MELLO of
Poland, TARAZEWICH of Waterboro, TWOMEY of Biddeford.

Resolve, to Ensure Consumer Access to Home Care
Services

(H.P. 500) (L.D. 640)

Presented by Representative KANE of Saco.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: COLWELL of Gardiner, FULLER of
Manchester, SNOWE-MELLO of Poland, TARAZEWICH of
Waterboro, TWOMEY of Biddeford.

Bill "An Act to Implement Recommendations of the Joint
Advisory Committee on Select Services for Older Persons"

(H.P. 501) (L.D. 641)

Presented by Representative KANE of Saco.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: COLWELL of Gardiner, FULLER of
Manchester, SNOWE-MELLO of Poland, TARAZEWICH of
Waterboro, TWOMEY of Biddeford.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Expand Youth Conservation Education
Programs"

(H.P. 468) (L.D. 596)

Presented by Representative MAYO of Bath.
Cosponsored by Senator KNEELAND of Aroostook and
Representatives: CARR of Lincoln, CLARK of Millinocket,
DUNLAP of Old Town, HONEY of Boothbay, PERKINS of
Penobscot, TRAHAN of Waldoboro, Senators: CARPENTER of
York, FERGUSON of Oxford.

Bill "An Act to Compensate Citizens When Property is Seized Wrongfully and Damaged"

(H.P. 485) (L.D. 625)

Presented by Representative TRAHAN of Waldoboro. (BY REQUEST)

Bill "An Act to Increase the Period of Ineligibility for the Moose Lottery to 5 years"

(H.P. 508) (L.D. 648)

Presented by Representative PERKINS of Penobscot.

Cosponsored by Senator WOODCOCK of Franklin and Representatives: BELANGER of Caribou, BROOKS of Winterport, DUNLAP of Old Town, HONEY of Boothbay, MENDROS of Lewiston, SAVAGE of Buxton, Senators: DAVIS of Piscataquis, KILKELLY of Lincoln.

JUDICIARY

Bill "An Act to Exempt Persons at Least 70 Years of Age from Jury Service at Their Discretion"

(H.P. 474) (L.D. 614)

Presented by Representative STEDMAN of Hartland.

Cosponsored by Representatives: ANDREWS of York, BUNKER of Kossuth Township, DESMOND of Mapleton, GOODWIN of Pembroke, LOVETT of Scarborough, MURPHY of Berwick, WHEELER of Bridgewater, Senator: KNEELAND of Aroostook.

LABOR

Bill "An Act to Expand Parental Control of a Minor Child"

(H.P. 507) (L.D. 647)

Presented by Representative MacDOUGALL of North Berwick.

Cosponsored by Senator CARPENTER of York and Representatives: COLLINS of Wells, CRESSEY of Baldwin, FOSTER of Gray, GLYNN of South Portland, TREADWELL of Carmel.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Require Election Law Training to Voter Registrars and Clerks"

(H.P. 483) (L.D. 623)

Presented by Representative TESSIER of Fairfield.

Bill "An Act to Amend the Clean Election Laws"

(H.P. 484) (L.D. 624)

Presented by Representative TESSIER of Fairfield.

MARINE RESOURCES

Bill "An Act to Ensure that Fishways on Tidal Waters are Working"

(H.P. 464) (L.D. 592)

Presented by Representative HONEY of Boothbay.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: McNEIL of Rockland, PERKINS of Penobscot, PINKHAM of Lamoine, USHER of Westbrook.

Bill "An Act Concerning Closed Periods for Lobstering" (EMERGENCY)

(H.P. 490) (L.D. 630)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Representatives: BAGLEY of Machias, HONEY of Boothbay, McNEIL of Rockland.

Bill "An Act to Amend the Laws Governing the Lobster Tag System"

(H.P. 504) (L.D. 644)

Presented by Representative USHER of Westbrook. (BY REQUEST)

NATURAL RESOURCES

Bill "An Act Creating a Fund to Assist Towns with Public Water Sources that have Eurasian Milfoil"

(H.P. 510) (L.D. 650)

Presented by Representative WATERHOUSE of Bridgton.

Cosponsored by President Pro Tem BENNETT of Oxford and Representatives: COWGER of Hallowell, DUNLAP of Old Town, Speaker SAXL of Portland.

STATE AND LOCAL GOVERNMENT

Bill "An Act Concerning Fees Charged to State Agencies for the Review of Leases"

(H.P. 469) (L.D. 597)

Presented by Representative BUMPS of China.

Cosponsored by Representatives: KASPRZAK of Newport, McDONOUGH of Portland, NASS of Acton.

Bill "An Act to Promote Healthy Workplaces"

(H.P. 496) (L.D. 636)

Presented by Representative TWOMEY of Biddeford.

Cosponsored by Senator LaFOUNTAIN of York and Representatives: BUMPS of China, GAGNE of Buckfield, LAVERRIERE-BOUCHER of Biddeford, MITCHELL of Vassalboro, O'BRIEN of Augusta, SOCTOMAH of the Passamaquoddy Tribe, SULLIVAN of Biddeford, VOLENIK of Brooklin.

Bill "An Act to Require Notification to All Property Owners in a Municipality of a Zoning Change Made in That Municipality"

(H.P. 499) (L.D. 639)

Presented by Representative FOSTER of Gray. (BY REQUEST)

Cosponsored by Representatives: BOWLES of Sanford, SHERMAN of Hodgdon.

Bill "An Act to Restore the Maine Court Facilities Authority"

(H.P. 511) (L.D. 651)

Presented by Representative McKENNEY of Cumberland.

Cosponsored by President Pro Tem BENNETT of Oxford and Representatives: BUCK of Yarmouth, COLLINS of Wells, GOOLEY of Farmington, STEDMAN of Hartland, WATERHOUSE of Bridgton.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative BAGLEY of Machias, **TABLED** pending **REFERENCE** and later today assigned.

TAXATION

Bill "An Act to Create a Sales Tax Holiday for the Purchase of School Supplies"

(H.P. 473) (L.D. 613)

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Representatives: ASH of Belfast, BAKER of Bangor, CARR of Lincoln, COTE of Lewiston, HATCH of Skowhegan, JACOBS of Turner, MAYO of Bath, O'NEIL of Saco.

Bill "An Act to Eliminate the Marriage Penalty under the Income Tax Laws"

(H.P. 475) (L.D. 615)

Presented by Representative GLYNN of South Portland.
Cosponsored by Representative CRESSEY of Baldwin and Representatives: ANDREWS of York, CHICK of Lebanon, KASPRZAK of Newport, MacDOUGALL of North Berwick, MENDROS of Lewiston, SNOWE-MELLO of Poland.

Bill "An Act to Exempt Over-the-counter Medications From the Sales Tax"

(H.P. 476) (L.D. 616)

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: ANDREWS of York, CRESSEY of Baldwin, MacDOUGALL of North Berwick, MENDROS of Lewiston, PERKINS of Penobscot.

Bill "An Act to Require Property Tax Payments on Conservation Easements and Development Rights Purchased After October 1, 2001"

(H.P. 477) (L.D. 617)

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: ANDREWS of York, CRESSEY of Baldwin, KASPRZAK of Newport, MacDOUGALL of North Berwick, MENDROS of Lewiston, MURPHY of Berwick, SNOWE-MELLO of Poland.

Bill "An Act to Require that All Owners Sign a Notice of Intent to Harvest for Land Subject to the Maine Tree Growth Tax Law"

(H.P. 491) (L.D. 631)

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: ASH of Belfast, HEIDRICH of Oxford, MADORE of Augusta, PERKINS of Penobscot, TRACY of Rome, TREADWELL of Carmel, WHEELER of Eliot.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities the Option of Exempting Personal Property from Taxation if No Property Owner in the Municipality Owns More than 2% of the Taxable Property in the Municipality

(H.P. 492) (L.D. 632)

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: COWGER of Hallowell, MURPHY of Berwick, PERKINS of Penobscot, TRACY of Rome, TRAHAN of Waldoboro, WATERHOUSE of Bridgton, WHEELER of Eliot.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Value All Land Based on Its Current Use

(H.P. 495) (L.D. 635)

Presented by Representative FOSTER of Gray.
Cosponsored by Senator FERGUSON of Oxford and Representatives: BERRY of Belmont, BOWLES of Sanford,

CARR of Lincoln, HEIDRICH of Oxford, JODREY of Bethel, SHERMAN of Hodgdon, TRAHAN of Waldoboro, Senator: KILKELLY of Lincoln.

TRANSPORTATION

Bill "An Act to Ensure the Safety of Railroad Bridges"

(H.P. 463) (L.D. 591)

Presented by Representative HALL of Bristol.
Cosponsored by President MICHAUD of Penobscot and Representatives: COLWELL of Gardiner, FISHER of Brewer, Speaker SAXL of Portland, SULLIVAN of Biddeford, Senator: SAVAGE of Knox.

Resolve, to Allocate Funds to the Department of Transportation for the Construction of a 2nd Bridge in Skowhegan

(H.P. 467) (L.D. 595)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator GAGNON of Kennebec and Representatives: ASH of Belfast, McGOWAN of Pittsfield, MICHAUD of Fort Kent, RICHARD of Madison.

Bill "An Act to Require Investigating Officers to Make Reports to the Secretary of State"

(H.P. 470) (L.D. 598)

Presented by Representative LESSARD of Topsham.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, GERZOFKY of Brunswick.

Bill "An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike"

(H.P. 478) (L.D. 618)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BROOKS of Winterport, HATCH of Skowhegan, NORBERT of Portland, TWOMEY of Biddeford, WATSON of Farmingdale.

Bill "An Act to Ensure Uniform Enforcement of Maine's Weight Laws"

(H.P. 494) (L.D. 634)

Presented by Representative COLLINS of Wells.
Cosponsored by Senator SAVAGE of Knox and Representatives: BOUFFARD of Lewiston, BUNKER of Kossuth Township, FISHER of Brewer, MCKENNEY of Cumberland, McNEIL of Rockland, PARADIS of Frenchville, WHEELER of Bridgewater, WHEELER of Eliot.

Bill "An Act Establishing Children's Identification Cards"

(H.P. 498) (L.D. 638)

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Representatives: ASH of Belfast, BAKER of Bangor, CARR of Lincoln, HATCH of Skowhegan, JACOBS of Turner, MAYO of Bath, O'NEIL of Saco, SIMPSON of Auburn.

Bill "An Act to Allow Municipalities to Lower Certain Speed Limits"

(H.P. 503) (L.D. 643)

Presented by Representative MARLEY of Portland. Cosponsored by Senator O'GARA of Cumberland and Representatives: BUNKER of Kossuth Township, COLLINS of Wells, DUNLAP of Old Town, LaVERDIERE of Wilton, McKENNEY of Cumberland, PARADIS of Frenchville, WHEELER of Bridgewater, WHEELER of Eliot.

Bill "An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Fees and to Require the Inspection of Brake Friction Material"

(H.P. 505) (L.D. 645)

Presented by Representative McKENNEY of Cumberland. Cosponsored by Senator LEMONT of York and Representatives: HATCH of Skowhegan, MAYO of Bath, MURPHY of Berwick, PERKINS of Penobscot, ROSEN of Bucksport.

Bill "An Act to Amend the Motor Vehicle Laws"

(H.P. 512) (L.D. 652)

Presented by Representative WHEELER of Eliot. Cosponsored by Senator O'GARA of Cumberland and Representatives: BOUFFARD of Lewiston, BUNKER of Kossuth Township, COLLINS of Wells, FISHER of Brewer, MARLEY of Portland, McKENNEY of Cumberland, PARADIS of Frenchville, WHEELER of Bridgewater.

UTILITIES AND ENERGY

Bill "An Act to Amend the Charter of the Gray Water District"

(H.P. 480) (L.D. 620)

Presented by Representative FOSTER of Gray. Cosponsored by Senator KILKELLY of Lincoln and Representatives: BERRY of Belmont, BOWLES of Sanford, JODREY of Bethel, MacDOUGALL of North Berwick, PINEAU of Jay, SNOWE-MELLO of Poland.

Bill "An Act to Amend the Charter of the Portland Water District to Conform to Changes in the Municipal Election Date for the City of Portland" (EMERGENCY)

(H.P. 497) (L.D. 637)

Presented by Representative CUMMINGS of Portland. Cosponsored by Representative: DUPLESSIE of Westbrook, Senator: BROMLEY of Cumberland.

Pursuant to Joint Study Order (H. P. 1864)

Joint Select Committee on School-based Health Care Services

Representative FULLER for the **Joint Select Committee on School-based Health Care Services** pursuant to Joint Study Order 1999 (H.P. 1864) asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services"

(H.P. 472) (L.D. 600)

Be **REFERRED** to the Committee on **BANKING AND INSURANCE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Resolve
Commission to Study Equity in the Distribution of Gas Tax Revenues
Attributable to Snowmobiles, All-terrain Vehicles and Watercraft**

Representative CLARK for the **Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft** pursuant to Resolve 1999, chapter 131 asks leave to report that the accompanying Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$2,900,000 to Fund High Priority Snowmobile Crossings on Highway Bridges and Provide Boating and Fishing Access Improvements to Highway Bridges"

(H.P. 514) (L.D. 653)

Be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 513) (Cosponsored by President MICHAUD of Penobscot and Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, DAVIS of Falmouth, GAGNE of Buckfield, GOODWIN of Pembroke, MATTHEWS of Winslow, TESSIER of Fairfield, TREADWELL of Carmel)

ORDERED, the Senate concurring, that the Joint Study Committee to Study the Offset in Social Security and Maine State Retirement System Benefits is established as follows.

1. Committee established. The Joint Study Committee to Study the Offset in Social Security and Maine State Retirement System Benefits, referred to in this order as the "committee," is established.

2. Membership. The committee consists of the Joint Standing Committee on Labor. The chairs of the Joint Standing Committee on Labor are the chairs of the committee.

3. Convening meeting. The chairs of the committee shall call and convene the first meeting of the committee no later than July 15, 2001.

4. Duties. The committee shall review the current federal law requiring a reduction in benefits for persons receiving both social security and Maine State Retirement System benefits and determine methods to alleviate the loss of benefits.

5. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

6. Compensation. 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 for travel and other necessary expenses for attendance at authorized meetings of the committee.

7. Report. The committee shall report on the issues studied with any recommended legislation to the Second Regular Session of the 120th Legislature no later than January 15, 2002.

If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

8. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Committee on **LABOR** suggested.

READ and **REFERRED** to the Committee on **LABOR**.

Sent for concurrence.

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 17)

ORDERED, that Representative Christina L. Baker of Bangor be excused Thursday, February 1st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph Bruno of Raymond be excused Tuesday, February 6th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mabel J. Desmond of Mapleton be excused Thursday, January 25th for legislative business.

AND BE IT FURTHER ORDERED, that Representative David M. Etnier of Harpswell be excused Thursday, February 1st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Donna M. Loring of the Penobscot Nation be excused Tuesday, January 30th and Thursday, February 1st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Thursday, January 11th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William J. Schneider of Durham be excused Tuesday, February 6th for legislative business.

READ and **PASSED**.

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

REPORTS OF COMMITTEE

On motion of Representative WATSON of Farmingdale, the following House Resolution: (H.R. 1) (Cosponsored by Representatives: VOLENIK of Brooklin, JACOBS of Turner, MITCHELL of Vassalboro, LOVETT of Scarborough, CHICK of Lebanon, ROSEN of Bucksport, TOBIN of Windham.)

HOUSE RESOLUTION RELATING TO THE CENSURE OF REPRESENTATIVE JOHN M. MICHAEL OF AUBURN BY THE COMMITTEE ON ETHICS, MAINE HOUSE OF REPRESENTATIVES

WHEREAS, on January 25, 2001, Representative John M. Michael of Auburn verbally abused a female Senator in the hallway outside of the chamber of the House of Representatives. Then, Representative John M. Michael followed her to the Senate offices where he continued to verbally abuse the Senator. When another female Senator attempted to intervene

to help the first Senator, Representative John M. Michael verbally abused her, as well; and

WHEREAS, the Speaker of the House referred this matter to the House Committee on Ethics pursuant to Section 201, subsection 1(D) of the House Rules, which empowers the Speaker to "[e]nforce the observance of order and decorum;" and

WHEREAS, the House Committee on Ethics has the authority to make a recommendation to the House pursuant to Article IV, Part Third, Section 4 of the Constitution of Maine, which states, "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of 2/3, expel a member," and Section 561, subsection 2 of Mason's Manual of Legislative Procedure, which states, "A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate;" and

WHEREAS, the House Committee on Ethics finds that this abusive behavior was part of a pattern of similar behavior by Representative John M. Michael; and

WHEREAS, the House Committee on Ethics finds that Representative John M. Michael never accepted full responsibility for his abusive behavior; and

WHEREAS, the House Committee on Ethics finds that Representative John M. Michael has conducted himself in a manner incompatible with his duty and responsibilities as a Member of this House and the public trust and high standards incumbent in that office; and now, therefore, be it ordered:

RESOLVED: That Representative John M. Michael should be and hereby is censured by the House of Representatives for just cause; and be it further

RESOLVED: That Representative John M. Michael must accept sole and full responsibility for the incident and publicly apologize to the two Senators whom he verbally abused, to his constituents, and to the people of the State of Maine; and be it further

RESOLVED: That the House of Representatives recommend that Representative John M. Michael take corrective action to rehabilitate, of his own volition, including but not limited to anger management training; and be it further

RESOLVED: That Representative John M. Michael comport himself in a manner which pursues the highest standards of legislative conduct; and be it further

RESOLVED: That this resolution and the statement of causes contained in it shall be entered on the Journal of the House of Representatives.

READ.

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

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

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

Representative WATSON: Thank you Mr. Speaker. Ladies and Gentleman of the House, I wish to begin my remarks by thanking the House Committee on Ethics. Each of the Members of our Committee acted diligently and fairly to bring this matter to a rapid conclusion. You have before you the unanimous report of our Committee. My thanks are given to Representative

Volenik, Representative Jacobs, Representative Mitchell, Representative Lovett, Representative Chick, Representative Rosen and Representative Tobin. I am proud to serve with you. You have made my job as Chair both an honor and a privilege. This was not an easy task, nor was it enjoyable. But, we have come to an appropriate conclusion.

Because this is the first action of censure that I am aware of on the floor of this House, it is incumbent upon me to offer a few remarks for the record. Let me begin by explaining exactly what censure means.

Censure is a condemnation, an official rebuke, for inappropriate conduct. It is more than a reprimand, but less than expulsion. This action is not a slap on the wrists. It is our collective judgment against one of our own. It is serious. It is very sobering. It is without question a stain on the record of the censured party.

The Committee considered the more severe punishment of expulsion and determined it was not warranted in this case. It is appropriate to give notice to someone who transgresses so that they may correct their action. Representative Michael is hereby placed on notice if he transgresses again, our Committee will consider the more extreme punishment of expulsion.

Some Members of this House have publicly stated that the type of behavior Representative Michael exhibited is commonplace within these walls. I categorically and completely reject this argument. The maker of these comments brings dishonor on all of us. Similarly, there are those who suggest this action is of a partisan nature. I reject these views as well. Our Committee acted unanimously in each of the several votes we took. We together have made this judgment. To suggest otherwise is reprehensible.

Others have suggested to me that we did not go far enough in our punishment. Let me suggest to them that we need to act prudently and judiciously in the face of this incident. Representative Michael is guaranteed due process by our federal and state constitutions. He is accountable to the House, but more importantly, he is accountable to his constituents. They are the ones who would be harmed by an expulsion. We must not be guided by emotion. Justice must guide us. I thank the Speaker and I want to thank the House.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to have the record remove any reference to gender as the action taken by the Ethics Committee would have been the same regardless of gender. Thank you Mr. Speaker.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This incident has weighed on many of us the last few weeks because we know and like all three legislators. I think many of us have come to the conclusion that when we vote today in support of this report, that we have solved a problem. I believe, I guess it is the teacher within me, that there is a much broader problem in our society and it would be very easy for us just to throw up our hands and say it is beyond us. We are operating in a society where we have reality TV to shock the viewers. Our youngsters come home and they watch afternoon TV programs, Jerry Springer, Sally and the others and ironically many of these TV cameras here today recording this instance are the same stations that carry that garbage on TV. In some

cases it is moved from shock to physical assault. That is what our youngsters, our society, are seeing. We turn on the television in the evening and we watch national basketball. We see the bad boys moving beyond trashing and insulting each other to now trashing the fans. The reward is they get the TV time and they get the big contracts. If you turn on the radio riding back and forth or if you listen to music, we have lyrics today that glorify rape, glorify assault and glorify violence.

We have a brand new football league that the big selling point was smash face, not meaning elbows, but that the players are wired so you can listen to the trash on the field. The ratings were very high. Saturday and Sunday we turn on TV programs. The talking heads of politics and government that has gone beyond the exchange of ideas or positions to yelling and shouting, absent the physical assault, but the verbal assault is there. We travel Maine roads and everyday we experience road rage as people position their cars, maneuver to gain 15 seconds getting to work or going home. We have reached a point in our society now where we are going to install video monitors or cameras to catch the red light runners. I am going to vote for this report because I think there is no other choice. We have to make a very strong statement today, but that is an action just within our chamber. We are speaking to ourselves on the rules of how we want to treat each other. There are 153 members of this House. The next step is the harder step. The time away from this institution, to commit ourselves that every speaking engagement that you have in the next year, whether it is rotary or chamber or any group, you raise the theme that we are at a crossroads and is this how we treat each other in this democracy.

We are at a crossroads in terms of how we respect each other. I would ask you as a leader, there are 153 leaders in this chamber, to schedule time in your elementary classrooms, your high school classrooms and come back and talk to our future citizens about harassment, disrespect toward each other and the rolls they will play in our society. I am asking you to move beyond your vote today and accept the leadership role in trying to turn this thing around. Lo and behold in Washington, DC, we see a President and a Congress, both Democrats and Republicans, engaged in a new civility. Maybe our society and maybe it needs to begin here in Maine, we need a new civility. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I, too, have reflected on this a great deal. I attended all the meetings and what I offer today is not what I have heard. I do not condone the actions of my fellow Representative. When I was growing up in Catholic school on Good Friday I would go to church and there was a part in the mass where we would have to say that we want to crucify Jesus. The priest would say it loud like you were there and you would mean it. We would have to say, "Crucify him. Crucify him. Crucify him." I remember looking to my mother and my father and saying to mom and dad that if I had lived during that time, I would have tried to stop God from being crucified. When the Jews were gassed, I swear I would have stood up and said not to do it. I have to tell you that I do not condone the actions of Representative Michael. How do we bring change? How do we help one of our own? We do it by offering compassion and forgiveness. How awful he must feel sitting in that seat. Some would say he brought it on himself. He deserves it. I reflected on this and I was warned that we should

sit still and I can't. I couldn't then and I can't now. I say to my friend, "Why am I up here?" All my bills are so controversial I will probably never pass anything. The words have to be spoken and I am brave enough to speak them. If anyone of you in this chamber were feeling alone, I would offer a helping hand. I had to rise to say that. I am sorry, but that is how I feel. I make no apologies. Representative Michael, I am sorry for whatever has happened to you in your life. I am sorry that you have to go through this. I am sorry you did it. I am here to help and offer a helping hand. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to thank the committee for the work they did. They worked hard on a difficult issue with no precedent to guide them, under a microscope. I respect the decision that was made by the committee. I probably won't be voting with them. I am not standing up to try to sway anybody how they vote. I just want to say a few things to add to what the good Representative from Biddeford, Representative Twomey, said about compassion. We all have bad days. We all do and say things that we wish we hadn't. We all make mistakes. Do I condone the actions of my colleague from Auburn? No, I don't. Do I think it is appropriate to yell at people when we disagree? No. I don't. When I am speaking with colleagues I try to be as courteous as I can. I try to look at the issues. I try to not let other things influence me. I try to be as friendly as I can with everyone here even if I disagree vehemently. The ones I disagree the most vehemently with, I try to find some common ground that we can work together on. Things get heated. Things are said.

What concerns me is the push that I have seen to get and maybe not by this body, but maybe more so by the media, to paint Representative Michael as a misogynist or an abuser of women. I want to tell you three things about the good Representative from Auburn, Representative Michael. He did make an apology to this chamber. I know it was sincere because he was up all night the night before working on it. I was helping him. He was very upset about the damage he had caused this chamber that he served in for six terms. This is his seventh term. That did upset him. We all have been working these past few weeks. We have had bills come that we have signed. We have been running around. It is very busy. We all know what it is like right now.

I have been a supporter of Representative Michael. I got a call from a woman in his district thanking me for supporting him. In the midst of all our hustling, what he is dealing with personally and without a legislative aide, he took the time to help this woman with some serious issues that he was dealing with above and beyond. That is our duty. That is our highest calling, to the constituents. In the midst of all this, he took time out of everything going on to help this woman. He is not a villain. Where do I think this is going? Why do I bring up the thing about being physically abusive? I know he is not going to be happy that I am saying this. He received a threat in the mail. "Watch your back. Watch where you go. You like to beat up women, well there is a group of us that are looking for you." That is what this has blown up into. Is that what we want for our colleagues to be threatened because something that we do here is so blown up. That is what concerns me. Am I upset?

Do I condone his actions of shouting at a colleague? No. I think he was wrong and I think he owed everybody an apology.

He made an apology a week and a half ago. I know that apology was sincere. I accept that. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I, too, will vote for this resolution. I am one of the ones that feels that it didn't go far enough. It has to stop somewhere. I agree with my good colleague Representative Murphy. We have to start to think about what has happened and that it is not condoned in this chamber.

This is my fourth term here. I have served with the Representatives of the Lewiston/Auburn area who are nothing more than ladies and gentlemen. To name you just a few names, Senator Georgette Berube, Senator John Cleveland, Representative Susan Dore, Representative Roger Pouliot, Representative George Ricker and the most gentleman of the them all, Representative Al Gamache. This has been the kind of representation that should be looked at and not the kind of representation that transpired in the halls of this chamber just last month.

I do not condone what the Representative from Auburn has done. I leave it within his conscience and within the conscience of the people who have chosen to send him here. I just want everyone to know that Lewiston/Auburn is often represented by ladies and gentlemen. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I, too, will support this resolution. It is bipartisan. It is a unanimous report from the committee. A unanimous report usually goes under the hammer. This goes beyond. There is a piece of me that says it does not go far enough, but I was not on that committee and I respect their judgment. I also am an educator as is the good Representative from Kennebunk, my neighboring district. I see in middle school the constant calling of names, constant your stupid and what a retard. Those names hurt. They hurt sixth graders. They hurt seventh graders. Quite frankly, they hurt 52 year old women. We must set an example. We must bring the respect of ideas, those who think and act differently from one another. It hurts this institution to stand here and take a day when we should be doing the people's business of passing laws and protecting citizens. I couldn't help but realize that domestic abuse, public enemy number one, begins with words. They escalate and today our papers will read that a third person has recently died, died during the night, from a shooting. Domestic abuse. It was a 19 year old sister as the latest victim. We must realize that this carries more implications. I would join with Representative Murphy from Kennebunk and ask that we go forward and that we speak to parents, young people and we try to realize that we are all different.

I can't help but remember the prayer from this morning. Let us go forth. Put this behind us. Go on and allow the Representative from Auburn to continue his work for his constituents, but let some good come from this. If we help one child or we save one life, we have succeeded and we have learned. Please let us go forth. Thank you Mr. Speaker.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I was advised by leadership not to stand and not to speak. They are probably right, but I also find difficulty with what we are doing here today, not because I

support anger, not because I support cold violence, I think that is wrong. What both Representatives have just said is that violence is a part of society. I think that is where we really need to start changing. Remember, it takes two people to have an argument. In this case we have three people involved in this. I have a problem. I think we are using the one person as an escape goat. I have a real problem with this.

I think we all have to learn to be kind with each other. Perhaps maybe chairs need to have better training when they take that position of a chair. Remember being a chair of a committee is a lot of responsibility. I know that I have said a few things to the good chair of the Health and Human Services Committee the last four years that really angered him, but he was great. He knew how to handle me. He knew how to say that that was totally inappropriate. He was great.

We have a lot of responsibility up here. Each and every one of us in the House and in the other body must treat each other with respect. I think that is so important. I think that is what society has lost and that is respect for one another, respect for each other's feelings and beliefs. We all come from different belief systems. We all represent our constituents in different ways. Let's have a lot of compassion for each other because we need it. This is tough. This is hard work. This is not easy.

I am going to tell you four years ago when I decided I wanted to be a State Representative my brother-in-law came up and visited me and when he found out I wanted to be a Representative he grilled me. He grilled me up and down. He really was tough on me. I stood there and I took it. He said, "Lois, you passed the test. I give you my blessing." Like I really cared if you knew my relationship with my brother-in-law. You passed the test. I think you have a tough enough character that you can do this. Our job is a difficult job. It is not easy. We have to deal with 151 different personalities. Let's take that into consideration and let people know out there that we have a hard job. It is very difficult. There are a lot of feelings, pressures and tensions are involved in our everyday life here in the Legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative **BAGLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to speak this morning, but I feel compelled to speak. A few years ago I was subject to the type of behavior that the Senator from the other body was subject to. It is a terrible experience to go through. I will be voting for censure because I feel compelled to do so. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, was not going to stand, but I feel that I must. This is not an easy thing that we have been through, any of us. First of all, there was shame brought on this House on every one of us from one person's behavior. Don't ever forget that whatever you do is like a stone being dropped in a pool of water and it spreads and it spreads. It must be stopped at the source. Our committee worked very diligently. It was a difficult task. We all came to the same conclusion. We do not feel that the Representative should be ostracized, but should be helped. That was what we did. It needs to be worked on just as in a family, children need guidance. We all need guidance at one time or another. This is what this committee has done. We have not expelled the Representative, but we are offering a chance for

improvement and hopefully we can all work together in that respect for the betterment of not only all of us in this House, but those of us outside. We are setting an example. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would respectfully request that a member of the Ethics Committee ask to have this item tabled until all reference to gender is removed from the language of this bill. Otherwise, this is going to go down in posterity as a sexist move. I don't think this is what we want. We want this to be applicable to all levels and all types of relationships in this body. I would respectfully request that it be tabled until that is done.

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to the good Representative from Hartland, Representative Stedman, in his concerns. We have stated in our resolution in the very first whereas, a mention of gender. In the statement of fact that we were trying to convey in the whereas it led to the resolves. In the statement of fact it was that it was two females that were involved with Representative John Michael. For the record, I would like to enter the committee's strong feeling that regardless of gender, this admonition would have applied either to a male or a female colleague. We were only, once again, stating a fact for the record. I hope that my having stated this on the record would satisfy the good Representative from Hartland.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I will accept that explanation, but I just wanted to go on the record that I felt this could have gone forward as a gender issue and I didn't want it to be that. Thank you.

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

Representative **WATERHOUSE**: Parliamentary inquiry. Is the motion to table debatable?

The SPEAKER: The motion to table is not debateable. There was no motion made by the Representative from Hartland. He engaged in debate prior to making his inquiry. I don't believe at this time that he wishes to pursue that motion.

The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I did not intend this to be motion. It was only a request that a committee member make the motion. Thank you.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. Is this Representative guilty? Yes, he is. The entire Ethics Committee has proven this beyond any reasonable doubt. There are, however, two questions before us. How do we prevent this from reoccurring? How do we satisfy both the citizens of Maine and fellow members of this chamber that we have provided adequate punishment for such crass and boorish behavior?

First, how do we prevent this from happening again? I suspect that the humiliation being exacted at this very moment is a degrading event. I suspect that the fact that the

Representative has lost most of his credibility and thus his effectiveness in this chamber is also a humiliating event. All of this is indeed a high price to pay for his emotional indiscretion.

Second, how do we satisfy the citizens of Maine and the members of this body that we have provided adequate punishment for this outburst? The House Ethics Committee has recommended, among other things, a censure. This committee, as you know, meets infrequently and deals with the darker side of individual legislator's activities. Theirs was a heavy task and their recommendations should not be taken lightly. I have the utmost respect for both their difficult task and for their final recommendation.

As a veteran legislator, I believe that this is among the most significant votes that I will ever cast on the floor of the House. This is not a question of guilt. Guilt has been proven. It is rather a question of appropriate punishment. It is my understanding that censure has never been used in this House. My question to this body is, does this action rise to the level of censure? Censure never having been used in the history of the State of Maine. Perhaps we have exacted enough punishment by requiring the various apologies and by his diminished effectiveness both here and at home.

The Chair granted the request.

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

Representative MICHAEL of Auburn asked leave of the House to be excused from voting on H.R. 1 pursuant to House Rule 401.12.

ROLL CALL NO. 11

YEA - Andrews, Annis, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Buck, Chase, Duprey, Kasprzak, Mendros, Morrison, Snowe-Mello, Waterhouse.

ABSENT - Bliss, Foster, Labrecque, Pinkham, Stanley.

Yes, 137; No, 8; Absent, 5; Excused, 1.

137 having voted in the affirmative and 8 voted in the negative, with 5 being absent and 1 excused, and accordingly the House Resolution was **ADOPTED**.

At this point, Representative MICHAEL of Auburn was escorted to the well of the House to receive the pronouncement of censure from the Chair.

The SPEAKER: Representative John M. Michael, these proceedings are unique. This House for the first time in its history has censured a Member. I call upon the record of Congress of the United States for guidance, and I reference the Congressional Record of January 15, 1868, in which Speaker Colfax quoted *May's Treatise on the Law, Privileges, and Usages of Parliament*. This text is where we derive the fundamental principles of our parliamentary law. Speaker Colfax quoted from the treatise on a similar occasion of a Member's censure in that Congress:

"It is obviously unbecoming to permit offensive expressions against the character and conduct of Parliament to be used without rebuke; for they are not only a contempt of that high court, but are calculated to degrade the legislature in the estimation of the people. If directed against the other House and passed over without censure, they would appear to implicate one House in discourtesy to the other; if against the House in which the words are spoken, it would be impossible to overlook the disrespect of one of its own Members. Words of this objectionable character are never spoken but in anger; and when called to order the Member must see the error into which he has been misled, and retract or explain his words and make a satisfactory apology. Should he fail to satisfy the House in this manner he will be punished."

So said Speaker Colfax 133 years ago.

The House having voted a censure upon you, I now pronounce the same to be a publicly recorded act and so entered upon the Journal of this House. You will resume your seat. The Sergeant at Arms will escort the Representative from Auburn back to his seat.

At this point, Representative MICHAEL of Auburn publicly apologized as resolved in House Resolution 1.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I wish to thank the House Ethics Committee for the professional and deliberative job, which it did these last few days. The committee worked long and hard hours and I thank them for their fairness and for their commitment to this institution. I wish to formally apologize to Senators Peg Pendleton and Neria Douglass whom I verbally abused. I retract any statements I made to them that may have been offensive. I take full and complete responsibility for my transgressions and I sincerely apologize to both Senators. I also apologize for the incident to the people of the State of Maine, the people of Auburn and the people of district 74. These are my friends and family that I grew up with, went to school with and the folks that I work with, play with and pray with. They expect and deserve a high level of professional representation from me. I failed to meet that expectation last week. I apologize for that. Thank you.

CONSENT CALENDAR

First Day

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

(H.P. 31) (L.D. 5) Bill "An Act to Correct a Reference in the Maine Juvenile Code" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

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

CONSENT CALENDAR

Second Day

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

(H.P. 71) (L.D. 80) Bill "An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers"

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 6, 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 Provide Funding for an Educational Component at Historic Fort Knox in the Town of Prospect"

(H.P. 367) (L.D. 469)

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested)

TABLED – February 1, 2001 (Till Later Today) by Representative McKEE of Wayne.

PENDING – REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Bill "An Act to Discourage the Use of Dangerous Drugs"

(H.P. 358) (L.D. 448)

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

TABLED – February 1, 2001 (Till Later Today) by Representative BERRY of Livermore.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Bill "An Act to Revise the Sewer Lien Laws"

(H.P. 381) (L.D. 483)

(Committee on **UTILITIES AND ENERGY** suggested)

TABLED – February 1, 2001 (Till Later Today) by Representative SAVAGE of Buxton.

PENDING - REFERENCE.

On motion of Representative SAVAGE of Buxton, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY** and the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness"

(H.P. 292) (L.D. 370)

- In House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

- In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED – February 6, 2001 (Till Later Today) by Representative BERRY of Livermore.

PENDING – **FURTHER CONSIDERATION**.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Reinstate Emergency Assistance for Dependents of Veterans"

(S.P. 60) (L.D. 224)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on January 30, 2001.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

The following Joint Order: (S.P. 185)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 13, 2001, at 9:00 in the morning and the Senate Adjourns until Tuesday, February 13, 2001, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act to Require that the Members of the Maine Land Use Regulation Commission be Elected from the Counties They Represent"

(S.P. 181) (L.D. 609)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act to Increase Instruction for Legally Blind Children"

(S.P. 175) (L.D. 603)

Bill "An Act to Provide Heating Fuel Assistance to the Elderly"
(S.P. 180) (L.D. 608)

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.

Bill "An Act to Strengthen the Authority of the Bureau of Insurance"

(S.P. 172) (L.D. 590)

Resolve, to Reduce the Cost of Health Care Policies Purchased by Consumers and Businesses

(S.P. 178) (L.D. 606)

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 Concerning Nurses in Advanced Practice"

(S.P. 170) (L.D. 588)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases"

(S.P. 173) (L.D. 601)

Bill "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime" (EMERGENCY)

(S.P. 174) (L.D. 602)

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

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Improve Education Service for Children with Disabilities"

(S.P. 176) (L.D. 604)

Bill "An Act to Improve Opportunities for Recruitment of Teachers"

(S.P. 177) (L.D. 605)

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 Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

(S.P. 183) (L.D. 611)

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

On motion of Representative NORBERT of Portland, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Amend the Invasive Aquatic Plants Laws" (EMERGENCY)

(S.P. 171) (L.D. 589)

Bill "An Act to Permit Excavations Within 25 Feet of Streams"

(S.P. 184) (L.D. 612)

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

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

Bill "An Act to Amend the Tax Expenditure Review Process"

(S.P. 179) (L.D. 607)

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

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

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Franchise Laws"

(S.P. 96) (L.D. 322)

Reporting that it be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Licensing Provisions for Private Investigators"

(H.P. 398) (L.D. 519)

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on February 6, 2001.

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

The House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Appropriate Funds to the Maine Technical College System for the Operation of the Bath Higher Education Center"

(H.P. 411) (L.D. 532)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on February 6, 2001.

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

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

JOINT STUDY ORDER - Relative to Establishing the Task Force to Implement the Blue Ribbon Commission on Children and Families.

(H.P. 462)

READ and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 6, 2001.

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

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

On motion of Representative O'BRIEN of Augusta, the House adjourned at 11:28 a.m., until 9:00 a.m., Tuesday, February 13, 2001 pursuant to the Joint Order (S.P. 185).