

# 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  
21st Legislative Day  
Thursday, March 15, 2001

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

Prayer by Father Brendan Harnett, St. Mary's Roman Catholic Church, Biddeford.

National Anthem by Mount View High School Chorale, Thorndike.

Pledge of Allegiance.

The Journal of Tuesday, March 13, 2001 was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 496)

**JOINT RESOLUTION ENCOURAGING PUBLIC  
SCHOOLS TO TEACH A FIREARMS AND HUNTER  
SAFETY COURSE**

WHEREAS, all Maine children share an outdoor heritage and should be encouraged to participate in the outdoor recreational opportunities that are part of that heritage; and

WHEREAS, every Maine child would benefit from being taught basic firearms safety and from learning about hunting and wildlife conservation; and

WHEREAS, Maine's Department of Inland Fisheries and Wildlife offers an exceptional hunter safety program that has benefited over 175,000 people since its inception and includes an excellent component on firearms safety; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, recognize the exceptional quality of Maine's hunter safety course and encourage every Maine school system to incorporate that course, sponsored by the Department of Inland Fisheries and Wildlife and taught by that department's instructors, into its curriculum to make it available to all students; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Education.

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

**READ.**

On motion of Representative DUNLAP of Old Town, **TABLED** pending **REFERENCE** and later today assigned.

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**Non-Concurrent Matter**

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO FULFILL THE ORIGINAL INTENT TO FUND 40% OF THE COSTS OF SPECIAL EDUCATION MANDATES TO THE STATES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

(H.P. 958)

**READ** and **ADOPTED** in the House on February 28, 2001.

Came from the Senate **READ** and **ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-4)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

JOINT ORDER - Relative to Revisor of Statutes delivering by March 7, 2001, to the Clerk of the House or Secretary of the Senate all bills or resolves filed prior to the cloture date.

(H.P. 735)

**READ** and **PASSED** in the House on February 20, 2001.

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

The House voted to **ADHERE**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 96)

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

March 9, 2001

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under P.L. 1999, ch. 731, Part AAAA, I am pleased to appoint the following State Representatives to the Maine Fire Protection Services Commission:

Representative Michael W. Quint of Portland

Representative Clifton Foster of Gray

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. 97)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

March 7, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 272

An Act to Seize the Cars of Habitual Offenders

L.D. 385

An Act to Amend the Laws Governing Bail

L.D. 407

An Act Relating to Out-of-state Travel for Work Purposes for Persons on Probation or on Supervised Release

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael J. McAlevey

Senate Chair

S/Rep. Edward J. Povich  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 98)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 9, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 888            An Act Concerning the Benefits and Privileges of Tuition Students at Receiving Public and Private Schools

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Betty Lou Mitchell

Senate Chair

S/Rep. Shirley K. Richard

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 99)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 2, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 77            An Act to Allow a Hunter a 2nd Deer During the Muzzle-loading Hunting Season

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter

Senate Chair

S/Rep. Matthew Dunlap

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 100)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 9, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 328            An Act to Lower the Sulfur Content of Gasoline Sold in the State

L.D. 584            An Act to Encourage Agricultural Development

L.D. 828            An Act to Encourage Proper Disposal of Propane Tanks

L.D. 1105          An Act to Reduce the Cost of Disposal for Municipalities and Encourage the Recycling of Electronic Equipment

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Martin

Senate Chair

S/Rep. Scott W. Cowger

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 101)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 9, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 352            An Act to Prohibit Personal Use of State Vehicles by State Employees

L.D. 381            RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State

L.D. 389            RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit a Person Employed Full-time in the Judicial or Executive Branch of the State from Serving in the Legislature

L.D. 597            An Act Concerning Fees Charged to State Agencies for the Review of Leases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Peggy A. Pendleton  
Senate Chair  
S/Rep. Martha A. Bagley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 102)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON TAXATION**

March 7, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 311 An Act to Provide Tax Credits against the Maine State Income Tax for Qualifying Education Expenses of Dependent Children in Grades Kindergarten to 12

L.D. 320 An Act to Provide a Tax Credit to Certain Small Businesses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Kenneth T. Gagnon  
Senate Chair  
S/Rep. Bonnie Green  
House Chair

**READ and 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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**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act to Encourage Independent 3rd-party Forest Management Certification for Small Woodlot Owners"

(H.P. 1219) (L.D. 1660)

Presented by Representative GREEN of Monmouth.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BERRY of Livermore, McKEE of Wayne, Senator: DAGGETT of Kennebec.

Bill "An Act to Establish the Maine Forest Certification Council"

(H.P. 1229) (L.D. 1676)

Presented by Speaker SAXL of Portland.

Cosponsored by President MICHAUD of Penobscot and Representatives: LEMOINE of Old Orchard Beach, McKEE of Wayne, RICHARDSON of Brunswick, Senator: DAGGETT of Kennebec.

Bill "An Act to Increase the Penalties for Animal Cruelty"

(H.P. 1232) (L.D. 1679)

Presented by Representative BULL of Freeport.

Cosponsored by Senators CATHCART of Penobscot, LONGLEY of Waldo, MILLS of Somerset, Senator DAGGETT of Kennebec and Representatives: BUMPS of China, COLWELL of Gardiner, DESMOND of Mapleton, HUTTON of Bowdoinham, McKEE of Wayne, MUSE of South Portland, SNOWE-MELLO of Poland, Senator: President Pro Tem BENNETT of Oxford.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$17,200,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Remediate Municipal Solid Waste Landfills, to Clean up Tire Stockpiles, to Make Drinking Water System Improvements and to Develop Municipal Digital Data Layers and Maps"

(H.P. 1222) (L.D. 1663)

Presented by Representative COWGER of Hallowell.  
(GOVERNOR'S BILL)

Cosponsored by Senator MARTIN of Aroostook and Representatives: COLLINS of Wells, DUPLESSIE of Westbrook, Senator: CARPENTER of York.

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Bill "An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(H.P. 1233) (L.D. 1680)

Presented by Representative RICHARDSON of Brunswick.  
(GOVERNOR'S BILL)

Cosponsored by Representative: CLOUGH of Scarborough, Senators: BROMLEY of Cumberland, SHOREY of Washington, YOUNGBLOOD of Penobscot.

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

On motion of Representative BERRY of Livermore, the Bill was **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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**BUSINESS AND ECONOMIC DEVELOPMENT**

Bill "An Act to Allow Boards of Professions to Grant Hardship Waivers"

(H.P. 1227) (L.D. 1674)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Representative: RICHARDSON of Brunswick, Senator: SHOREY of Washington.

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**CRIMINAL JUSTICE**

Bill "An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel"

(H.P. 1216) (L.D. 1657)

Presented by Representative POVICH of Ellsworth.

Resolve, to Study the Emergency Medical Services System (EMERGENCY)

(H.P. 1221) (L.D. 1662)

Presented by Representative BULL of Freeport.

Cosponsored by Representative MacDOUGALL of North Berwick, Senator McALEVEY of York and Representatives: BUMPS of China, DUGAY of Cherryfield, DUPLESSIE of Westbrook, RINES of Wiscasset.

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#### EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Amend and Improve Education Laws"

(H.P. 1212) (L.D. 1644)

Presented by Representative RICHARD of Madison.

Cosponsored by Senator MITCHELL of Penobscot.

Submitted by the Department of Education pursuant to Joint Rule 204.

Resolve, Establishing a Task Force to Study Alternative Secondary Education and the Unique Needs of Disenfranchised Students

(H.P. 1218) (L.D. 1659)

Presented by Representative PEAVEY of Woolwich.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: BERRY of Belmont, LEDWIN of Holden, O'BRIEN of Augusta, RICHARD of Madison, SHERMAN of Hodgdon, WESTON of Montville, Senator: KILKELLY of Lincoln.

Resolve, to Facilitate Attracting and Retaining a High Quality Work Force at the University of Maine System

(H.P. 1228) (L.D. 1675)

Presented by Speaker SAXL of Portland.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BAKER of Bangor, ESTES of Kittery, HAWES of Standish, LEDWIN of Holden, MATTHEWS of Winslow, QUINT of Portland, RICHARD of Madison, THOMAS of Orono.

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#### JUDICIARY

Bill "An Act to Address Confidentiality of Records in the Medical Examiner Act"

(H.P. 1213) (L.D. 1645)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Senator RAND of Cumberland.

Submitted by the Department of the Attorney General and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Regarding Passamaquoddy Land in Township 19, M.D."

(H.P. 1217) (L.D. 1658)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator SHOREY of Washington and Representatives: BULL of Freeport, DESMOND of Mapleton, DUGAY of Cherryfield, GOODWIN of Pembroke, SIMPSON of Auburn.

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#### NATURAL RESOURCES

Bill "An Act to Further Reduce Mercury Emissions from Consumer Products"

(H.P. 1224) (L.D. 1665)

Presented by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BULL of Freeport, McKEE of Wayne, Senators: SAWYER of Penobscot, TREAT of Kennebec.

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

Bill "An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks"

(H.P. 1225) (L.D. 1666)

Presented by Representative TOBIN of Windham.

Cosponsored by Senator MARTIN of Aroostook.

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

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#### STATE AND LOCAL GOVERNMENT

Bill "An Act to Restructure the Kennebec County Advisory Budget Committee"

(H.P. 1226) (L.D. 1673)

Presented by Representative MITCHELL of Vassalboro.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission

(H.P. 1231) (L.D. 1678)

Presented by Speaker SAXL of Portland.

Cosponsored by Senator MARTIN of Aroostook and Representatives: MURPHY of Berwick, TUTTLE of Sanford.

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#### TAXATION

Bill "An Act to Enhance Tourism Promotion and Increase State Revenues"

(H.P. 1230) (L.D. 1677)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator GAGNON of Kennebec and Representatives: GREEN of Monmouth, HONEY of Boothbay, JONES of Greenville, KOFFMAN of Bar Harbor, MAYO of Bath.

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#### TRANSPORTATION

Bill "An Act to Amend Certain Motor Vehicle Laws"

(H.P. 1223) (L.D. 1664)

Presented by Representative FISHER of Brewer.

Cosponsored by Senator SAVAGE of Knox and Representative: McKENNEY of Cumberland.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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#### UTILITIES AND ENERGY

Bill "An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond" (EMERGENCY)

(H.P. 1220) (L.D. 1661)

Presented by Representative BRUNO of Raymond.

Cosponsored by Senator TURNER of Cumberland and Representative: TOBIN of Windham.

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

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**Pursuant to Joint Order  
Committee on Judiciary**

Representative LaVERDIERE for the **Joint Standing Committee on JUDICIARY** pursuant to Joint Order (H.P. 1154) asks leave to report that the accompanying Bill "An Act Relating to Personal Privacy and Governmental Information Practices"

(H.P. 1234) (L.D. 1681)

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

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

Sent for concurrence.

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**Pursuant to Public Law**

**Joint Standing Committee on Marine Resources**

Representative LEMOINE for the **Joint Standing Committee on Marine Resources** pursuant to Public Law 1997, chapter 685, section 15 asks leave to report that the accompanying Bill "An Act to Restructure the Sea Urchin Lottery"

(H.P. 1235) (L.D. 1682)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

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**Pursuant to Public Law**

**Joint Standing Committee on Transportation**

Representative FISHER for the **Joint Standing Committee on Transportation** pursuant to Public Law 1999, chapter 751 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force"

(H.P. 1238) (L.D. 1683)

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

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

Sent for concurrence.

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

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**ORDERS**

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

On motion of Representative TUTTLE of Sanford, the following Joint Resolution: (H.P. 1236) (Under suspension of the rules, cosponsored by Senator BROMLEY of Cumberland and Representatives: CHIZMAR of Lisbon, COTE of Lewiston,

DUNCAN of Presque Isle, HEIDRICH of Oxford, LABRECQUE of Gorham, MAYO of Bath, O'BRIEN of Lewiston, PATRICK of Rumford, Senator: WOODCOCK of Franklin)

**JOINT RESOLUTION COMMEMORATING THE 10TH  
ANNIVERSARY OF THE PERSIAN GULF WAR AND  
HONORING THE MAINE VETERANS WHO PARTICIPATED IN  
THE WAR**

WHEREAS, on August 2, 1990, Iraqi military forces, on orders from President Saddam Hussein, invaded and occupied the small country of Kuwait, against the wishes and interests of the rest of the world; and

WHEREAS, the United Nations Security Council immediately passed several resolutions condemning the attack and closing Iraq from the international community and resolving to free Kuwait; and

WHEREAS, over 30 nations formed a military coalition to liberate Kuwait, including the United Kingdom, Canada, many North Atlantic Treaty Organization, NATO, countries and the United States; and

WHEREAS, military units and service members from Maine, representing the Maine Army and Air National Guard, Brunswick Naval Air Station, United States Marine Corps Reserves and United States Army Reserves were either activated or volunteered for service as part of the military coalition; and

WHEREAS, specific units stationed in Maine, the 101st Air Refueling Wing; the 3620th Transportation Detachment; the 286th Supply and Service Battalion; the 112th Medical Company, Air Ambulance; the Health Service Liaison Detachment of the 213th Medical Brigade; the 619th Transportation Company; the 1125th USAR Hospital; the 94th Military Police Company; the United States Marine Corps Reserve Weapons Company; the 101th Navy Hospital; the COMSC Navy Medical 201; and Patrol Squadron 8, were mobilized in support of Operation Desert Storm; and

WHEREAS, this brief but deadly war, which lasted from January 16, 1991 to February 28, 1991, was fought to stabilize the vital area of the Middle East and to liberate Kuwait, and cost the lives of thousands of soldiers and innocent people; and

WHEREAS, the ground war proved to be quick and decisive and American forces led a military coalition to a victory over the Iraqi forces, and each state provided a valuable contribution to the successful American presence; and

WHEREAS, the State of Maine, with its position of being the closest state to the Middle East, proved its value in spirit, personnel and patriotism towards the war effort; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to commemorate the 10th anniversary of the Persian Gulf War and Operation Desert Storm and to honor Maine citizens who contributed so greatly to the service of their State and Nation; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Defense, the United States Secretary of State and the Commissioner of Defense, Veterans and Emergency Management on behalf of the people of Maine as a token of their esteem and affection.

**READ.**

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I would thank the clerk for doing a wonderful job in reading the resolution. I, and the members of the Committee on Legal and Veterans Affairs, had been asked by a number of veterans organizations around the state to submit this resolution commemorating the event 10 years ago. I think it is very important that we do recognize the event by this institution. I would thank the membership for allowing us the opportunity to do so, Mr. Speaker. Thank you.

**ADOPTED.**

Sent for concurrence.

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On motion of Representative GLYNN of South Portland, the following Joint Resolution: (H.P. 1215)

**JOINT RESOLUTION DESIGNATING MARCH AS IRISH HERITAGE MONTH**

WHEREAS, over 150 years ago a massive blight struck Ireland's potato crop, which became known as the Great Hunger, forcing many Irish to immigrate, mostly to American shores; and

WHEREAS, these people came to America to seek a better life and escape the brutal poverty and starvation of their homeland, and by 1850 over a million people left Ireland; and

WHEREAS, in 1847 alone, 25,000 Irish immigrants arrived in Boston and many had started to arrive in Maine, so that the census figures of Maine indicated that Maine cities had 11 to 23% of their populations as Irish-born immigrants; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants took jobs as laborers, built railroads, canals and schools, and dedicated themselves to helping build this Nation and State, and this legacy remains a part of today's American landscape; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry, and 19 Presidents of the United States proudly claim Irish heritage, included among them, George Washington, the father of our country; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment, military and government service; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, do proclaim that March 2001 is Irish Heritage Month throughout the State of Maine, and urge the citizens of the State to commend and celebrate the integrity and richness of this culture; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Sean O'Huiginn, the Irish Ambassador to the United States, on behalf of the people of the State of Maine.

**READ.**

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. Ireland's history is filled with the names of noble souls who fought and died to break Ireland's chains of bondage. Unfortunately many who suffered and died

for that cause have been forgotten. They led no insurrection. They made no memorable speeches on the docks. They held no positions of power. Theirs was a martyr's role nonetheless. They were the common Irish who quietly sacrificed nurtured and preserved the dreams of freedom.

I have been asked to present this Joint Order by members of the Irish American Club and the Ancient Order of Hibernians. They have also given me a wonderful Irish trivia quiz to hand out to all of you, *So you think you are Irish*. It has been distributed to the members of the House. We do urge your passage of the proposal. I would like to leave you with an Irish saying, which goes something like this. "May the road rise up to meet you? May the wind always be at your back? May the sunshine be warm upon your face and the rains fall soft upon your fields? Until we meet again, may God hold you in the hollow of his hand?" We thank you for your thoughtful consideration.

**ADOPTED.**

Sent for concurrence.

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On motion of Representative COLWELL of Gardiner, the following Joint Resolution: (H.P. 1239) (Cosponsored by Senator O'GARA of Cumberland and Representatives: BAGLEY of Machias, BRUNO of Raymond, McDONOUGH of Portland, McGOWAN of Pittsfield, McLAUGHLIN of Cape Elizabeth, MICHAUD of Fort Kent, MUSE of South Portland, NORBERT of Portland)

**JOINT RESOLUTION TO HONOR ST. PATRICK'S DAY AND TO RECOGNIZE THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES**

WHEREAS, St. Patrick's Day is the only national holiday of a country that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, over 150 years ago a massive blight struck Ireland's potato crop, which forced millions of Irish people to emigrate to escape brutal poverty and starvation, and most of those people came to America; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and so many settled in Maine that the census figures in 1850 indicated that Maine cities had 11-23% of their populations as Irish-born immigrants; and

WHEREAS, within a few years of their arrival in the United States and in Maine, the Irish immigrants became part of American society and, while preserving the best of their own culture, dedicated themselves to helping build this Nation and this State; and

WHEREAS, the proud history of the Irish in America goes back to colonial times and there have been notable Americans with Irish ancestry from the Revolutionary War to modern times, including recent presidents John Fitzgerald Kennedy and Ronald Reagan; and

WHEREAS, the tradition of celebrating St. Patrick's Day is now a happy annual event no matter what one's heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, encourage the celebration of St. Patrick's Day, recognize the valuable contribution to our State and to our Nation by all Irish-American citizens, and urge the citizens of the State to commend and celebrate the integrity and richness of this culture.

**READ.**



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

Representative COLWELL: Mr. Speaker, Men and Women of the House. It is a great day for the Irish. Although I rise with some trepidation on the idea of March to celebrate the great green, we won't be here on Saturday. I rise to honor the patron saint of Ireland, St. Patrick, my patron saint. He is truly a global saint. He is a saint that is celebrated throughout the world as are the Irish. St. Patrick's Day is the only national holiday of a company that is given recognition outside its native land, which gives you some indication of the Irish influence throughout the world. On this day, I, too, would like to take the time to recognize the many Irish immigrants who came to Maine and contributed so much to our state. The dedication of the Irish to community and state is evident in our most beloved politicians, Governor Joe Brennan, former US Senator George Mitchell, although there is a little Lebanese heritage there. He is still Irish to me. Also, former Senator Buddy Murray, Gerry Conley, my good friend across the aisle, Bill Schneider, everyone is Irish today, and, of course, Representative Twomey, the Irishwoman from Biddeford. Despite his retirement from the Senate, our former Senator George Mitchell, has remained active in international politics. He has worked long and tirelessly to spell out the most likely common ground from compromise between Protestants and Roman Catholics on how Northern Ireland has been governed. I know we all wish the folks in that torn part of the world all the success in finding common ground.

We in Maine will continue to commend and celebrate the integrity and richness of this culture and I encourage you to dance, drink and be merry on Saturday, March 17<sup>th</sup> in celebration of the Irish. Thank you.

**ADOPTED.**

Sent for concurrence.

On motion of Representative BAGLEY of Machias, the following Joint Order: (H.P. 1208)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, a bill to repeal certain inactive boards and commissions of State Government.

**READ and PASSED.**

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

On motion of Representative SHERMAN of Hodgdon, the following Joint Order: (H.P. 1214) (Under suspension of the rules, cosponsored by Senator KILKELLY of Lincoln and Representatives: CARR of Lincoln, FOSTER of Gray, GOODWIN of Pembroke, MORRISON of Baileyville, PEAVEY of Woolwich, PINKHAM of Lamoine, Speaker SAXL of Portland, STANLEY of Medway, STEDMAN of Hartland, WHEELER of Bridgewater, Senators: President MICHAUD of Penobscot, NUTTING of Androscoggin, TREAT of Kennebec)

ORDERED, the Senate concurring, that the Joint Study Committee to Examine Issues Relating to the North American Free Trade Agreement is established as follows.

**1. Committee established.** The Joint Study Committee to Examine Issues Relating to the North American Free Trade Agreement, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of all members of the Joint Standing Committee on Agriculture, Conservation and Forestry.

**3. Chairs.** The chairs of the Joint Standing Committee on Agriculture, Conservation and Forestry are the chairs of the committee.

**4. Convening committee.** The chairs of the committee shall call and convene the first meeting of the committee no later than 30 days following the passage of this order.

**5. Duties.** The committee shall hold hearings in the areas of this State most affected by the North American Free Trade Agreement and shall examine issues relating to the North American Free Trade Agreement, including, but not limited to, the following:

- A. Agriculture, agricultural products and activities relating to agriculture;
- B. Forestry, forestry products and activities relating to forestry;
- C. Fisheries dumping, which depresses prices in this State;
- D. The impact of a lack of uniform standards for chemical use and disease control on imported agriculture products;
- E. Trees cut in this State by Canadian labor and exported to Canada, then resold in the United States as finished products;
- F. The advantage for Canadian trade due to government subsidies in health care and family subsidies for Canadian workers;
- G. The use of a quota that bars United States exports of agricultural products into Canada; and
- H. Any other issues developed from the hearing process.

The committee shall gather data relating to the impact of the value of the Canadian dollar on border shopping.

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

**7. 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 meetings of the committee.

**8. Report.** The committee shall report on the issues studied with any recommendations to the Congressional Delegation of this State and the Legislature prior to the reauthorization of the North American Free Trade Agreement in September 2001.

**9. 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 **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

**READ and REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent for concurrence.

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

Representative **TARAZEWICH**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I would like to recognize Dr. Fred Bechard, Superintendent of Schools of the MSAD 57. What more could anyone ask from one school? Massabesic High School principal, friend and former colleague of mine, Principal of the Year, James Stephenson. Massabesic High School Football Team, they are undefeated football champions. Jason O'Tash, outstanding quarterback of the mustang team and winner of the Fitzpatrick Trophy. Last, but certainly not least, football coach John Morin, Jr. of the Massabesic High School Football Team, Coach of the Year. I served MSAD 57 for 20 years as an administrator and I am so very proud of all of these wonderful people and their accomplishments. Congratulations on a job well done. Thank you.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. It is also my pleasure to recognize the Class A Champion Massabesic High School Team. They represent a large district in northern York County. They represent six towns and three, which it is my pleasure to represent. It has been noted the teams record and the fact that they have the Fitzpatrick Award winner. They are also accompanied today by Jim Stephenson who is the Principal of the Year. In addition to their coach, John Morin, who is the Coach of the Year. This team and this school have really had an outstanding fall season and into the winter. Deservedly so, they have acquired lots of awards. I am just going to briefly talk about my observation having attended a home game over there. In this time of some trouble for our schools nationwide and concerns about violence, I have to tell you that this football team in this school district, in addition to being a great team and having great football players and a great coach and great administrators, it is certainly blessed with having great supporters and parents. There is nothing, at least in my mind, more heartening today to watch a 6' 3", 250 pound tackle in full uniform in front of 2,000 adoring fans at a home football game publicly recognize his parents with a gift of flowers and a hug for mother. This is a wonderful school and a wonderful team. It is my pleasure to recognize their various and many achievements today. Thank you Mr. Speaker.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

On motion of Representative DUPREY of Hampden, the following Joint Order: (H.P. 1237)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs may not report out L.D. 300 or any other legislative document that includes funding for health insurance benefits for domestic partners of state employees unless the committee has first held a public hearing on that issue.

**READ.**

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

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. This is my first floor speech, so I am very nervous. When I told my dad I was coming down to the Legislature, he said, "Your first term, make sure you don't do anything that is controversial. Make sure you don't do anything that stirs the pot. Just kind of hang back." As you can see, I am not listening to him. I put in a Joint Order here because I am very concerned about this domestic health insurance for domestic partners for state employees not being overseen by the Legislature. To me, this is not an issue of whether this issue is right or wrong. This is an issue of full disclosure to the people of the State of Maine. The commission that came up with this idea can negotiate contracts, but has no authority to commit funds without the approval of the Legislature. I want approval of the Legislature for these funds. All I want is to have the public have a say in this and I don't think that is too much to ask. If commissions can start making laws and committing funds, we don't become as necessary as we ought to be. I urge you to support me on this. All I am asking for is an elected representative to have a vote. This is not an issue whether this is right or wrong. This is an issue of the public having a say in a public hearing. That is it. If we decide that this is a good idea, then I will live with it. The Governor will sign it and that will be it. All I want is its day in this body. Thank you.

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

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I appreciate the opportunity to address you here today. There have been a number of points made by the Representative from Hampden, all of which I disagree with. Frankly, this is a collective bargaining issue between the Maine state employees and the Executive Branch. This Legislature does have a chance to exercise approval of the funds to commit. That is our opportunity in the budget. We approve the amount of funds that will be committed at that point. That is what we do.

I would suggest that if this Legislature wants to go down the road of negotiating every collective bargaining agreement with every unit of state government, it is going to be a long, torturous and very confused road. We just don't do that. The allegation was made that somehow this state employee health insurance commission has no statutory authority to do what it did. Nothing could be farther from the truth. This commission was created in statute; it has the statutory ability and authority to do what it has done to negotiate for the Maine State Employees Association around benefit issues. It has done it in the full light of day with

plenty of participation and opportunity for participation by the public. As a matter of fact, this issue has been before this commission for close to two years. All their meetings are public. They are all advertised publicly just as legislative hearings are public. The allegation is simply not true. The simple fact of the matter is that as this contractual agreement, collective bargaining agreement, comes to this body, it has had a hearing before the Appropriations Committee as the DAFS budget comes before that committee. I can't help it if people don't know when they need to testify. It is not within my ability to correct that. I guess, for me, the last thing that I want to do is involve myself with a collective bargaining agreement, retroactively renegotiating an agreement with the Maine State Employees Association.

Frankly, over here in this corner and on this side, we want to honor our agreements with the Maine State Employees Association. We are in the business of expanding health care access to people, not limiting it. I would urge this body in a very strong bipartisan vote to send a message that we meet our commitments with the collective bargaining agreements that we put in place. Thank you Mr. Speaker.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I stand here today to bring to you my concerns with the process and what I see as a lack of public input in the process. In my district, several years ago, we had a school budget that was basically very confrontational. It was a big increase. We went through several votes and one of the votes occurred late in the evening. What happened with that vote was that the people within the community got a sort of mistrust of the process of the local government. I think this situation is the same. Although the people involved may have thought that the process was open to the public, it is the appearance to the public that is important. For the people that called me and for what I see is the problem with this whole situation is that the public doesn't feel that they were part of the process.

There are a couple of points that I would like to make. When there are collective bargaining agreements, agreements between parties, often times those agreements are confidential until those agreements are made public. I am not saying that is what occurred in this situation, but I had not once heard even a whisper of this type of policy change. I don't think the public did either. Ladies and gentlemen of the House, whether it be a collective agreement between the two parties, in this situation or not, we are the ultimate representatives of the people and how their money is spent. What I hear from the public is an outcry to have this debated. Ladies and gentlemen of the House, as many of you who have served with me in my previous term, you know that I don't mind being the only one who votes a certain way on an issue. I like to debate things and I like to hear what people have to say. If you vote against this, you will take away the only opportunity for a good number of people across this state to have their voices heard. Ladies and gentlemen of the House, this body does not represent the people of Maine that way. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. In response to the good Representative, I just wanted to say that we are setting new policy here, because the policy has already been set in the State of Maine. University employees already have this right. They collectively bargained for it and they received it. This is a bit like the horse out of the barn. The truth is that we are going back retroactively telling the Governor and his negotiators that what they did was wrong. I don't think this was done under the cover of darkness. I think this was done right out in broad daylight. Why do I say that? I say that because two years ago, in the 119<sup>th</sup>, it came before the Banking and Insurance Committee. The labor management committee dealing on these particular issues regarding health insurance came to Banking and Insurance and talked to us. They conferred, as is required by statute, with us about what they might do. They did not have an obligation to seek our approval, but now we want to change the rules midstream and ask that they seek our approval. That is just dead wrong. That violates the law that is currently in place. It is the collective bargaining law that we all passed many, many years ago in this institution.

I think some of you know that I do a fair amount of collective bargaining. I have done it on the municipal side. I have done it on the state side. Certainly I wish sometimes that the Legislature would inject itself into collective bargaining, but I always knew at the very last minute that that would be very wrong. That would be wrong because the two parties could not trust each other to reach an agreement. The trust would be breached because at the last minute somebody would step in and take away the rights of the working men and women or take away the rights of the Governor to negotiate a fair contract. I knew then and I know it now that it is just not right, according to the current law, to do such a thing. I would urge members of this body not to interject themselves essentially into collective bargaining.

This had a public hearing. It had a hearing in regards to the budget. It was done with the Appropriations Committee and the Department of Financial Regulations. The department came to the Appropriations Committee and the Appropriations Committee gave them, essentially, approval for a budget. We don't micromanage here. We set policy. If we want to micromanage, we will be here until September. We have to ultimately rely upon the professionals to negotiate these contracts to determine what is ultimately in the best interest of our workforce. Remember, this is our workforce. These are the men and women who work for us. All I ask is that you allow the commission, the Bureau of Employee Relations, the people who negotiate these contracts, to do so and not have, essentially, the rug pulled out from underneath them.

Finally, I would just like to make a point. This is a Joint Order. I would support the good Representative's request, obviously, if this were a bill to have it looked at. We are too far down the road to come back. If this was a bill and properly before the body and referred out, we would have been in good shape to have that heard and made a policy decision about whether it was appropriate to do this or not, but now, at a very late date, we want to change the rules. I just think you have to consider that. Remember, we didn't do this for the State Police when they came knocking on our door. If we do this now, we are going to do it for everyone else and we are going to be micromanaging and setting the micromanaging policies of the

State of Maine. I urge you not to support this Joint Order and join Representative Colwell in striking it down. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to make a few points. First and foremost, our primary commitment is to the people of the State of Maine who elect us. If anyone thinks we have a commitment higher than that, I would take issue. The people have the right to be heard. That is all this does. It can't be a bill. I don't see how it would be possible to present a bill, send it to Appropriations and ask them to have another public hearing on an issue. It only makes sense to have one public hearing on an issue. All this Joint Order does is to ask for a public hearing. I don't follow the logic in having one public hearing to ask if there should be another one. That is the issue we are debating. Should there be a public hearing? Should there have been one?

I leave you with a point, it was said in debate that we can't help it if people don't know when to come and speak. Yes, we can. We can vote for this order and let the people know that now is the time to come and speak. We will be happy to hear from you. If we disagree or agree with what you say, we will make our decision, but please come. We are the Maine Legislature, we care what you have to say. You are our bosses and we appreciate that. That is our duty. I don't call that micromanaging. I call that representing the people that elect us to keep our arms around this beast that is the bureaucracy of our government.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would just like to counter two points that were made about my testimony. The first being that if you disagree with this, you can vote in the budget. Ladies and gentlemen, that seems like a far stretch to ask us to vote against the budget because of this simple policy issue. You know as well as I do that budgets are created in the Appropriations Committee through consensus. Once that consensus is met, it is very difficult to get votes against that consensus. That is a real far stretch. It really might even give some people some cover a little bit on this issue because it would be very hard to explain to anyone, our constituents or otherwise that we voted against the budget because of this single issue. I would rather be able to discuss this, hear the entire debate and allow the people of my district at least the opportunity to be heard. If it fails, fine, that is the process.

The second thing that I would like to discuss for just a moment is, for me, this is not anything about the issue. This is about the integrity of the Legislature and government as a whole. Do we want the public to be heard on issues or don't we? It appears with this issue and with this vote, the Legislature has put their rubber stamp on not allowing this to be heard in a public forum. For me, that is very troubling. I am not afraid of hearing the truth. I would implore you to just allow this to be discussed in the public and you will not bring mistrust upon this government. Thank you.

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

Representative **NORBERT**: Mr. Speaker, Men and Women of the House. I think it is important to keep our eyes on what this really is about. It is about collective bargaining. To change the ability of an organization or a group to collectively bargain and

agree on terms now this late in the game would be unwise. If someone wishes to change this or if they have a problem with this policy, then they should submit a bill. Otherwise, it would be like going back and meddling in what the University System did some years back with collective bargaining agreement with respect to domestic partnerships, domestic benefits and health insurance benefits under that scenario. Again, let's remember that this is collective bargaining. It has been agreed upon and for us to inject ourselves into it now is unwise. If someone really disagrees with this, the appropriate method is a bill and not a Joint Order. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I have heard numerous references to actions taken in collective bargaining by the University of Maine in recent years. I think it would serve well to remind members that many years ago this Legislature had some questions about the way the University of Maine conducted its affairs to the extent where it created a Standing Committee to oversee the University that sat in session for a number of terms until somebody got the idea that isn't that why we have a University president and administration to conduct the affairs of the University. It is not really something that we should be doing from Augusta. That is why we did away with that committee. We let the administration of the University System do its work, which includes collective bargaining. Yes, they do have health benefits or employee benefits for domestic partners in the University System. I think that is something that if there is scrutiny from the public eye on that, the University administration should answer to that. I don't know if it would serve any public purpose to after having gone through public hearings of the Employment Commission and collective bargaining negotiations to then, on top of that, have legislative public hearings on the same issue all over again. I would concur with the statements that this probably is micromanaging the issue. I think we are doing the job of negotiators for them if we take this up in this manner. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. For a member of the Appropriations Committee, was this even mentioned in the budget? Was there any debate on this? Was there any notification that this change was taking place?

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I will do my best to respond to the Representative from Lewiston. I believe that the Representative from Norway asked a couple of times about this matter. I seem to remember him discussing it. I would welcome him to comment to that.

While I am up, I would certainly discourage this body from sending this Joint Order to the Appropriations Committee. I think it is improper to handle it this way. I think we should stay out of negotiating contract items. I certainly don't want to start something where we are going to go back and undo things that

are negotiated. That would be something that I would consider. I would ask you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. To clarify my understanding and the remembrance of the activities of the Appropriations Committee is that I first heard about this expansion of medical benefits by receiving a phone call from a member of the press. While I did in a follow up hearing ask some questions about the cost related to this benefit change to the University people, it was never discussed, to my remembrance or knowledge, in the Appropriations Committee at all. My concern has been and will remain to be, whether or not we should be expanding benefits for our employees at a time when the people in my district are seeing their benefits being reduced, their copays increased and, frankly, some of my smaller employees are telling me they are actually dropping coverage for their employees. It is an increasing benefit. It is an increasing cost. I understand that we have to deal with gross money, but the reality is we are paying the bill. I think we have a right to say that the administration's decision at this time was unwise and perhaps imprudent in reference to the current financial situation that we have now in the House. I, frankly, would like to have an opportunity to look at this as a cost item. Apparently other members of my committee don't feel the same, but I appreciate the opportunity to speak. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. When I was elected for both the 119<sup>th</sup> and 120<sup>th</sup>, I was elected as a Representative to make law and policy, not to be a negotiator. This is clearly a contractual arrangement. In negotiating each side gives up something. For some reason, this was put into the contract. We honor the men and women who work for us who came to the table in good faith. It is as simple as that. As Representative Richardson from Brunswick mentioned, in the 119<sup>th</sup>, this did come before the Banking and Insurance Committee. It was a bill. It was actually an employee that wanted to increase some benefits. Indeed, we were told that the state was dealing with this at the collective table. We sent that employee back with this message. It is a contractual issue. That is what the Legislature said, through the Banking and Insurance Committee, that it was a contractual issue. My word means something, as I am sure everybody else's does. Contractual bargaining means that you sit down, you come to an agreement and you compromise. We do it everyday here in bills. There are two sides, management and labor, sat down and said that I will give up this if I get this. We have an obligation to live up to that. It is not about anything else. It is not about any social issues. It is about contractual law created by this body a long time ago. I intend to honor that and support Indefinite Postponement. Thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I have sat here a while and listened about the collective bargaining and how that shouldn't be interfered with, but unless I am wrong, I am pretty sure that this House is part of that collective bargaining. We do, after all, appropriate the money to fund that bargain, whatever that might be. May I pose a question? In any collective bargaining

agreement between the administration and state employees, do we or do we not in this body vote on that contract?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I am not sure I understood the question. Was the question, does the Legislature vote on the contract?

The SPEAKER: The Chair would answer in the affirmative. The Representative may proceed.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I would answer the good Representative from Bridgton, I believe, the way I understand it, this Legislature will vote to approve or not approve funding to fund the contract, but I don't believe that we vote on a labor agreement that is made by the Executive and the unions represented.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The reason I ask that question is because it is very vivid in my mind during one of my terms. I am not sure whether it was the 117<sup>th</sup> or 118<sup>th</sup>, but I am pretty sure it was the 117<sup>th</sup>, we did have before us a bill for collective bargaining. At that time there was a certain percentage of increase on that collective bargaining agreement that I did not go along with and I voted against it. It was a stand-alone bill. Thank you.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I apologize for prolonging debate, but the good Representative from Lewiston said a phrase earlier that I just couldn't help responding to. He referred to the beast of bureaucracy that is our state government. I happen to represent a fair number of state employees and I know a lot of us in this body do as well. I have great respect for these state employees and I have a great respect for what they have negotiated and the benefits they have negotiated with a very small financial impact. We are talking no more than two-tenths of 1 percent of \$141 million that we spend for health care benefits for our state employees. I strongly support the collective bargaining agreement that has been negotiated by these dedicated civil servants that live across our State of Maine. I urge you to support the pending motion.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I will keep this very brief. I meant no disrespect to our state employees and the work they do. I do view it that our bureaucracy has become an out of control piece. If any of you disagree, I would ask you to call Logan Mar's mother and ask her what her opinion of bureaucracy is.

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

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

The SPEAKER: The Representative may pose his question.  
Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. My question is very simple. I stand here and I am listening to all this. We are the Representatives to the

people. I am wondering why we are so afraid of the public? I believe that another concern that I have heard over and over a time is that we shouldn't micromanage. This is a state that we are talking about. These are state employees. This body does have oversight over state employees, whether it is union or not. I believe this is very appropriate. I believe that yes, indeed, we can micromanage.

The SPEAKER: The Representative from Poland, Representative Snowe-Mello has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I believe that the Representative answered her own question.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. It has been stated by some of those who were responsible for this public policy decision that they didn't bring it to the forefront to the public's knowledge because it was non-controversial. I think some may disagree, listening to debate this morning. This is a public policy issue. A commission has set social, public policy. By way of this action, they have determined that the State of Maine citizens agree to sanction this social policy, which I believe is not respecting and is destructive to the sanctity of Maine families. Furthermore, I say let's put this horse back in the barn. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. Negotiating a union contract with the state employees should not be an activity taken by this body by any committee. To single out one issue would certainly encourage others to single out other issues. Are we going to discuss hours work, holidays or working conditions? I just think, again, that I want to strongly encourage the members of the House not to become involved as negotiators in the labor agreement with our state employees.

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

**ROLL CALL NO. 13**

YEA - Bagley, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Marley, Marrache, Mayo, McDonough, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McGlocklin, McKenney, McNeil, Mendros,

Michael, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Ash, Bouffard, Buck, Dudley, Goodwin, Koffman, Mailhot, Matthews, McGowan, Povich.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1240)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill to facilitate the implementation of the MOSES system, the Maine Online Sportsman's Electronic System.

**READ and PASSED.**

Sent for concurrence.

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On motion of Representative FULLER of Manchester, the following House Order: (H.O. 22)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused Tuesday, March 13th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Benjamin F. Dudley of Portland be excused Tuesday, February 6th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dunlap of Old Town be excused Monday, March 5th, Thursday, March 8th and Tuesday, March 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ken Honey of Boothbay be excused Thursday, February 22nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Nancy B. Sullivan of Biddeford be excused Tuesday, March 13th for legislative business.

**READ and PASSED.**

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**REPORTS OF COMMITTEE**

**Change of Committee**

Representative BUNKER from the Committee on LABOR on Bill "An Act to Require Employers to Offer Benefits to Cohabitants of Employees"

(H.P. 1057) (L.D. 1420)

Reporting that it be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers"

(H.P. 34) (L.D. 43)

Signed:

Senators:

LaFOUNTAIN of York  
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland  
CRESSEY of Baldwin  
SMITH of Van Buren  
YOUNG of Limestone  
O'NEIL of Saco  
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-19)** on same Bill.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

MAYO of Bath  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
GLYNN of South Portland

**READ.**

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I was prepared to talk a good length of time on this issue, but given the hour, I will keep this brief. This bill has been before this body previously. It is a very simple concept. It is mandating that insurance companies grant a 10 percent discount to a driver 55 years of age or older. That discount is to be 10 percent if they take an approved Secretary of State, Bureau of Motor Vehicle course or an AARP course.

This bill was brought forward to me by AARP. They are very interested in it. I, too, am interested in it because I think those of us who are 55 years of age and over, there are a number in this body, our driving skills may not be what they were when we were 16, 17 or 18 and obtained a license. A lot has changed. A lot of the rules of the road have changed over the years and I think it does no harm for any of us to take one of these courses. I have. I learned a couple of things that I was not aware of. I think that it is a good thing for all of us to do. I would urge your full consideration of this. You may hear today that most companies do offer a discount. That is, in effect, not true. One does offer a considerable discount approaching 20 percent, but a number of the companies who are offering insurance in the state do not grant any discount or a discount considerably less than the 10 percent figure. Thank you ladies and gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. It is 12:30. I won't delay lunch too much longer. This bill came to us through the good Representative from Bath and its genesis was with the AARP, the American Association of Retired Persons. It is a wonderful outfit. It is an outfit who has membership in all of our districts. To go against AARP is like telling a Girl Scout when she knocks on the door to go away, we don't want any of those cookies, when, in fact, that Girl Scout is knocking on the door of a bakery. What the bill seeks to achieve has already been codified in Maine law. We have done it before and we seek to do it again.

Again, the good Representative from Bath states that he doesn't see it doing any harm. Section 2916 of Title 24A specifically says, and it is unique to Maine and one other state, that an insurer cannot cancel, cannot non-renew or raise premiums due to age. Once somebody turns 50 they, in fact, get a discounted rate, which is guaranteed not to change provided they have a safe driving record and so forth. When they turn 78 or 88 and their driving skills might not be quite so good, they are, in fact, being underwritten or subsidized by the rest of us. That is not a terrible thing, but it is a good middle ground. Section 2902C says that insurers cannot discriminate versus the elderly. There are two statutory provisions that really have already taken care of what this bill seeks to do.

When you talk about the harm, we are talking about cost shifting in health insurance. This would be a little bit of a cost shift to the rest of us, if, indeed, an insurer were required to discount. By the way, the 10 percent is gone. The Minority Report asks for an appropriate discount. If, indeed, they were required to discount based on the completion of one of these courses, the discount would have to come from some place and the rates now already being lower, most of them and not all, do offer discounts for people 50 and over. They vary and they are up to the insurer to do so. When that happens, a couple of things have to happen. The rest of us have to pay a higher rate to make up for it or those rates when they go through their periodic rate and form filings those rates have to be inflated so that they can give a discount in the end. It is kind of a retailing trick. I submit to you that it is kind of a shell game that is not really needed.

There is no prohibition, currently, on a carrier offering these discounts. In fact, they do. With P and C carriers all of us are free to shop. They are all over the place out there advertising their rates. Most of us do shop. The Bureau of Insurance has to approve these discounts and, in fact they do and they have. I just leave you with kind of an intrigue not to go with this just because it feels good. Remember that in Maine we have already taken care of this problem. If we just seek to pass along a discount to one group onto another group, we are just moving it around. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. Just so that you know, I am younger than Representative Mayo from Bath, but I do agree with him. We are good friends, I might add. This is my second term on Banking and Insurance. It is my second term to support this. First of all, there is a misnomer here. The State of Maine does not already offer a discount to older drivers. We simply do not raise the rates as you get older. That, to me, is a major difference. The

State of Maine law says that as you become older, you cannot be charged more for your insurance. We on Banking and Insurance changed the 10 percent to appropriate so that an insurance company could offer a 1 percent discount. The idea is that we will get older people into a class that they do pay for on a fixed income and relearn a refresher course on how to drive. In particular, times have changed. Certainly it would not be me, but there are people who drive much faster than 65 on the Turnpike. Well, it might be me occasionally. The fact remains that that takes a different type of driving skill than what people learned back 20 or 25 years ago. A refresher course is worthwhile. If somebody is willing to better their driving skills, there ought to be a way to have an incentive for them. It is very simple. It is an appropriate discount and Maine does not have codified a discount. We simply have a statement that because you reach age whatever, your rates automatically go up. I would ask you to vote with the Minority Report. You would be voting against the motion. Thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I would call your attention to another part of this bill and that is that we would be encouraging drivers 55 years or over to take voluntarily driver courses. I think that has some real positive results. It doesn't mandate that every driver over 55 gets a discount. It says that drivers who take this course and pass it get a discount for a period of three years. I think it is a great idea. I support it and I would ask you to do the same. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. My comments will be very brief. I am a member of the Banking and Insurance Committee and also a sponsor of this piece of legislation. The primary purpose of mandating premium reductions is so there is an economic incentive existing for older drivers to take driver improvement courses. That means that hopefully these courses will be resulting in fewer accidents and safer highways for all of us.

I would like to point out to members of the House that similar legislation has been enacted in 35 states and the District of Columbia. None of them have repealed the law. I think what is a key point for us to remember when we are considering this piece of legislation is who we are talking about, which are older drivers. Eighty-five to 90 percent of all sensory input needed to drive comes by the eyes. Unfortunately as one ages, the need for more illumination increases, glare sensitivity rises, dark adaptation lenses and peripheral vision narrows. Hearing loss also presents problems for older drivers as does the tendency for muscles to weaken. The reason why I point this out is a driver safety course underlines these issues to our senior drivers and encourages them to be more aware as their bodies change and it helps the roads become more safer. It helps them be better more confident drivers and the financial incentive helps move us in that direction. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. The fact that insurers out there now offer this insurance discount to folks ought to be enough to let this bill alone. They are CGU, State Farm, Concord Group, Arcadia and Maine Mutual Fire. All of which are 15 to 20 percent discounts

and all of whom have to hold their premium level after age 50 ought to be enough, Mr. Speaker, for us to codify discounts on insurance rates in statute is a crazy move. I urge that you support the Ought Not to Pass report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I must say at the beginning that I feel much older after listening to the good Representative from South Portland as he began talking about eyesight and joints and depth perception. He was right on the mark. What happens is we are given lifetime licenses and our bodies change. I am not on the Banking and Insurance Committee. By getting up, I don't want to be on the Banking and Insurance Committee. Everything that I have heard today tells me that if you take this course, you are going to be a safer driver. If you are a safer driver, there is going to be fewer accidents. The cost of those accidents are going to decrease. What the good Representative from Bath has done with this bill is said that when those savings occur, a fraction of those savings will go back to the seniors who took those courses and made our roads safer. This is a real commonsense bill. It is also a reflection that we live in a rural state where our seniors want to keep their independence and even from a budgetary viewpoint, it is in our best interest that they maintain and keep that independence. I would urge you to reject the motion that is on the floor so that we can move onto the Ought to Pass. Thank you.

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

#### ROLL CALL NO. 14

YEA - Belanger, Berry RL, Bowles, Brannigan, Brooks, Bryant, Bumps, Chase, Chick, Colwell, Crabtree, Cressey, Daigle, Dunlap, Duprey, Estes, Etnier, Gerzofsky, Green, Haskell, Hawes, Jacobs, Kane, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lemoine, Marley, Mitchell, Morrison, Norbert, Norton, Nutting, O'Neil, Paradis, Peavey, Richard, Savage, Smith, Stedman, Tarazewich, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Bagley, Berry DP, Blanchette, Bliss, Bruno, Bull, Bunker, Canavan, Carr, Chizmar, Clark, Clough, Collins, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dugay, Duncan, Duplessie, Fisher, Foster, Fuller, Gagne, Glynn, Goodwin, Gooley, Hall, Hatch, Heidrich, Honey, Hutton, Jodrey, Jones, Landry, Laverriere-Boucher, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marrache, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Murphy T, Muse K, Nass, O'Brien JA, O'Brien LL, Patrick, Perkins, Perry, Pineau, Pinkham, Quint, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Winsor, Young.

ABSENT - Ash, Baker, Bouffard, Buck, Dudley, Koffman, Matthews, McGowan, Muse C, Povich, Tracy.

Yes, 46; No, 94; Absent, 11; Excused, 0.

46 having voted in the affirmative and 94 voted in the negative, with 11 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

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



The Bill was **READ ONCE**. **Committee Amendment "A" (H-19)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 20, 2001.

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Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-18)** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

(H.P. 40) (L.D. 49)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland

SMITH of Van Buren

MAYO of Bath

O'NEIL of Saco

SULLIVAN of Biddeford

CANAVAN of Waterville

MARRACHÉ of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York

ABROMSON of Cumberland

Representatives:

CRESSEY of Baldwin

YOUNG of Limestone

GLYNN of South Portland

**READ.**

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative O'NEIL of Saco to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act to Establish Destroyer Escort Day" (EMERGENCY)

(H.P. 210) (L.D. 245)

Signed:

Senators:

PENDLETON of Cumberland

YOUNGBLOOD of Penobscot

ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias

McDONOUGH of Portland

NORBERT of Portland

HATCH of Skowhegan

LESSARD of Topsham

McLAUGHLIN of Cape Elizabeth

MURPHY of Berwick

KASPRZAK of Newport

HASKELL of Milford

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

Signed:

Representative:

CHASE of Levant

**READ.**

On motion of Representative BAGLEY of Machias, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 20, 2001.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 10) (L.D. 2) Bill "An Act to Clarify the Division Line Between the Towns of Deer Isle and Stonington" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-2)**

(S.P. 22) (L.D. 38) Bill "An Act to Increase the Fine for Allowing a Dog to Roam at Large" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-3)**

(H.P. 25) (L.D. 25) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2002" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass**

(H.P. 458) (L.D. 579) Bill "An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 42) (L.D. 51) Bill "An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

(H.P. 103) (L.D. 107) Bill "An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)**

(H.P. 179) (L.D. 190) Bill "An Act to Limit the Boat Launching in East Winthrop on the Northern End of Cobbosseecontee Lake to Hand Carrying Only" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-26)**

(H.P. 205) (L.D. 240) Bill "An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-31)**

(H.P. 237) (L.D. 274) Bill "An Act to Establish Parity in Requirements for Exits Among Apartments, Boardinghouses and Lodging Houses" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-28)**

(H.P. 291) (L.D. 369) Bill "An Act to Designate April 15th as Small Business Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)**

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

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**CONSENT CALENDAR**  
**Second Day**

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

(S.P. 74) (L.D. 294) Bill "An Act to Clarify the Laws Prohibiting Consumption or Possession of Alcohol by a Minor"

(H.P. 27) (L.D. 27) Bill "An Act to Implement the Recommendations of the Commission on Child Abuse"

(H.P. 128) (L.D. 139) Bill "An Act to Amend the Animal Trespass Laws"

(H.P. 165) (L.D. 176) Bill "An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes"

(H.P. 250) (L.D. 286) Bill "An Act to Clarify the Duties of the Maine Developmental Disabilities Council"

(H.P. 563) (L.D. 718) Bill "An Act Concerning Disability Registration Plates and Placards"

(H.P. 28) (L.D. 28) Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft (EMERGENCY) (C. "A" H-21)

(H.P. 78) (L.D. 87) Resolve, to Create a Greenhouse Gas Registry (C. "A" H-23)

(H.P. 121) (L.D. 125) Bill "An Act to Specify That Possession of Sexually Explicit Materials by Way of the Internet is Criminal" (C. "A" H-17)

(H.P. 186) (L.D. 197) Resolve, to Implement the Saco Bay Regional Beach Management Plan (EMERGENCY) (C. "A" H-24)

(H.P. 240) (L.D. 292) Bill "An Act to Add Prior Conviction for Burglary of a Motor Vehicle to Enhancement of Theft Penalties" (C. "A" H-16)

(H.P. 345) (L.D. 435) Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (C. "A" H-22)

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

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(H.P. 60) (L.D. 69) Bill "An Act to Expand the Lifetime Hunting License" (C. "A" H-20)

On motion of Representative DUNLAP of Old Town, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

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

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

**SENATE PAPERS**

Bill "An Act to Provide Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals"

(S.P. 523) (L.D. 1646)

Bill "An Act to Expand Research and Development Facilities within the University of Maine System"

(S.P. 537) (L.D. 1668)

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 Promote Healthy Lifestyles and to Reallocate the Cost of Health Care Insurance"

(S.P. 529) (L.D. 1652)

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.

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Bill "An Act to Regulate Unused Property Markets"

(S.P. 534) (L.D. 1655)

Bill "An Act to Increase Business Opportunities at the Port of Eastport"

(S.P. 538) (L.D. 1669)

Bill "An Act to Create the Washington County Development Authority"

(S.P. 541) (L.D. 1672)

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 Allow Averaging of Unallocated Balances Over 3% for School Budgets"

(S.P. 524) (L.D. 1647)

Bill "An Act to Expand Higher Educational Opportunities in Underserved Rural Areas"

(S.P. 525) (L.D. 1648)

Bill "An Act to Simplify and Reform the School Funding Formula"

(S.P. 535) (L.D. 1656)

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 Preserve Maine Pharmacies"

(S.P. 528) (L.D. 1651)

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.

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Bill "An Act to Require Substance Abuse Assessment and Treatment for Parents of Children Referred to Child Protective Services"

(S.P. 527) (L.D. 1650)

Bill "An Act Regarding Child Abandonment"

(S.P. 539) (L.D. 1670)

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

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

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Bill "An Act to Establish a Commercial Green Crab Fishing License"

(S.P. 526) (L.D. 1649)

Bill "An Act Making Technical Changes in the Marine Resources Laws"

(S.P. 530) (L.D. 1653)

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

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

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Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

(S.P. 536) (L.D. 1667)

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 Enhance and Protect Disclosure of Confidential Property Tax Information"

(S.P. 533) (L.D. 1654)

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

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

---

Resolve, to Create the Commission to Study Combining the Resources of the Maine Turnpike Authority and the Department of Transportation

(S.P. 540) (L.D. 1671)

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

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

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The following Joint Order: (S.P. 522)

**ORDERED**, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, March 20, 2001, at 10:00 in the morning.

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

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

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

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On motion of Representative PARADIS of Frenchville, the House adjourned at 1:03 p.m., until 10:00 a.m., Tuesday, March 20, 2001 pursuant to the Joint Order (S.P. 522).