

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
23rd Legislative Day
Wednesday, March 21, 2001

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

Prayer by Reverend Donald Smith, Buxton Center Baptist Church (retired).

National Anthem by Cape Elizabeth Middle School 8th Grade Band.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 556)

JOINT RESOLUTION TO RECOGNIZE THE YEARS 2000 TO 2010 AS THE BONE AND JOINT DECADE

WHEREAS, one in every 7 Americans reports a musculoskeletal impairment; and

WHEREAS, in the United States alone, musculoskeletal conditions are estimated to cost \$250,000,000,000 per year; and

WHEREAS, musculoskeletal impairments rank as the number one health problem for both men and women and for the major racial groups, with arthritis the leading chronic condition reported by the elderly; and

WHEREAS, musculoskeletal conditions and deformities deprive children of a normal development; and

WHEREAS, these diseases affect more than 178,000 citizens of the State, and are the leading cause of disability, costing an estimated \$1,000,000,000 in lost productivity and medical costs; and

WHEREAS, musculoskeletal research currently is at the precipice of major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and

WHEREAS, many countries and international organizations have joined together to recognize the years 2000 to 2010 as the "Bone and Joint Decade" to increase public awareness of this problem and to promote research to find the cure for musculoskeletal impairments; now, therefore, be it

RESOLVED: That, We, the members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, join citizens throughout the State, the nation and the world in recognizing the years 2000 to 2010 as the "Bone and Joint Decade"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the World Health Organization, on behalf of the people of the State of Maine.

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

READ and **ADOPTED** in concurrence.

Bill "An Act to Promote Outcome-based Forest Policy" (EMERGENCY)

(S.P. 544) (L.D. 1690)

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

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies, General Renovation Needs and Learning Space Upgrades"

(S.P. 549) (L.D. 1707)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 for Capital Infrastructure at the University of Maine System and the Maine Maritime Academy, and Research and Development Equipment and Infrastructure"

(S.P. 551) (L.D. 1709)

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

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

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

(S.P. 552) (L.D. 1710)

Bill "An Act to Amend the Maine Athletic Commission Laws" (EMERGENCY)

(S.P. 561) (L.D. 1723)

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 Amend the Personal Sports Mobile Franchise Law"

(S.P. 542) (L.D. 1688)

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

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 Adopting and Implementing the National Crime Prevention and Privacy Compact" (EMERGENCY)

(S.P. 545) (L.D. 1691)

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

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

Bill "An Act to Reduce the Cost of Administration of the Medicaid Program"

(S.P. 548) (L.D. 1706)

Bill "An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs"

(S.P. 560) (L.D. 1722)

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

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

Bill "An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY)

(S.P. 546) (L.D. 1692)

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

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

Bill "An Act to Amend the State's Abortion Reporting Law"

(S.P. 543) (L.D. 1689)

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

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

Bill "An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner"

(S.P. 559) (L.D. 1721)

Committee on **CRIMINAL JUSTICE** suggested and ordered printed.

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

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

Bill "An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws"

(S.P. 550) (L.D. 1708)

Bill "An Act Regarding Dismissal of Municipal Employees for Cause"

(S.P. 557) (L.D. 1719)

Bill "An Act to Create the Advisory Commission for Persons Who are Blind or Visually Impaired"

(S.P. 558) (L.D. 1720)

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

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

Bill "An Act to Amend Maine's Campaign Finance Laws"

(S.P. 553) (L.D. 1711)

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

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

Bill "An Act to Amend the Comprehensive Planning and Land Use Regulation Laws"

(S.P. 547) (L.D. 1693)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 118)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 16, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 922 An Act Requiring the Court System to Notify Credit Rating Companies of Debt Clearances

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

Sincerely,

S/Sen. Anne M. Rand

Senate Chair

S/Rep. Charles C. LaVerdiere

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 119)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 16, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 424 An Act to Restrict Atlantic Halibut Fishing in State Waters

L.D. 553 An Act to Exempt Seaweed Harvesting from Certain Restrictions

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

Sincerely,

S/Sen. Kenneth F. Lemont

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 120)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 16, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 304 An Act Regarding the Franchises of Transmission and Distribution Electric Companies

L.D. 486 An Act to Implement a State Universal Service Fund

L.D. 1000 An Act to Promote Consistency in Dialing Cellular and Landline Telephone Numbers

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr.

Senate Chair

S/Rep. William R. Savage

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 121)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TAXATION**

March 16, 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. 496 An Act to Amend the Maine Revenue-sharing Formula

L.D. 617 An Act to Require Property Tax Payments on Conservation Easements and Development Rights Purchased After October 1, 2001

L.D. 635 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Value All Land Based on Its Current Use

L.D. 657 An Act to Exempt Individuals Who are 65 Years of Age or Older and Meet Income Requirements from Increases in Property Taxes

L.D. 693 An Act to Reduce Property Taxes

L.D. 710 An Act to Authorize Towns to Give Tax Breaks to Volunteer Firefighters

L.D. 722 An Act to Strengthen the Maine Taxpayer Bill of Rights

L.D. 738 Resolve, Directing the Bureau of Revenue Services to Relocate the Chickadee Checkoff on the Maine Income Tax Form

L.D. 765 An Act to Establish a Municipal Reimbursement Formula for Current Use Taxation Programs

L.D. 785 An Act to Promote Capital Formation and Investment

L.D. 786 An Act to Create a State Tax Deduction for Donations to Maine Nonprofit Corporations

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.

The Following Communication: (S.P. 554)

STATE OF MAINE

120TH MAINE LEGISLATURE

March 20, 2001

Hon. Betty Lou Mitchell

Senate Chair, Joint Standing Committee on

Education and Cultural Affairs

Hon. Shirley K. Richard

House Chair, Joint Standing Committee on

Education and Cultural Affairs

120th Legislature

Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Carrie Graiver of Norway for appointment as a student member of the Maine Technical College System, Board of Trustees.

Pursuant to 20-A, M.R.S.A. §12705, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

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

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

The Following Communication: (S.P. 555)

STATE OF MAINE

120TH MAINE LEGISLATURE

March 20, 2001

Hon. David L. Carpenter

Senate Chair, Joint Standing Committee on

Inland Fisheries and Wildlife

Hon. Matthew Dunlap
House Chair, Joint Standing Committee on
Inland Fisheries and Wildlife
120th Legislature
Augusta, ME 04333

Dear Senator Carpenter and Representative Dunlap:
Please be advised that Governor Angus S. King, Jr. has
nominated David A. Wardwell of Penobscot, Lance Wheaton of
Forest City, and Raymond H. Poulin, Jr. of Ripley for
appointment and Matthew P. Libby of Ashland for reappointment
as members of the Inland Fisheries and Wildlife Advisory
Council.

Pursuant to Title 12, M.R.S.A., §7033-A, these nominations will
require review by the Joint Standing Committee on Inland
Fisheries and Wildlife and confirmation by the Senate.

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

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

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

The Following Communication: (S.C. 129)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

March 20, 2001

The Honorable Millicent M. MacFarland
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Insisted to its previous
action whereby it Indefinitely Postponed a Joint Order relative to
the Revisor of Statutes delivering by March 7, 2001, to the Clerk
of the House or the Secretary of the Senate all bills or resolves
filed prior to cloture date. (H.P. 735)

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

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 130)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

March 20, 2001

The Honorable Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506, please be advised that the
Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on
Labor, the nomination of Robert L. Piccone of Portland for
appointment and Carol B. Gilmore of Charleston for
reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Joint Standing Committee on
Agriculture, Conservation and Forestry the nomination of
Stephen W. Wight of Newry, for reappointment to the Land Use
Regulation Commission.

Upon the recommendation of the Joint Standing Committee on
State and Local Government the nomination of Peter G. Cary of
Cape Elizabeth, for reappointment to the Maine Governmental
Facilities Authority.

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

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills 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:

BANKING AND INSURANCE

Bill "An Act to Amend the Maine Banking Code"
(H.P. 1271) (L.D. 1729)

Presented by Representative O'NEIL of Saco.
Cosponsored by Senator LaFOUNTAIN of York and
Representatives: CANAVAN of Waterville, SULLIVAN of
Biddeford, Senator: DOUGLASS of Androscoggin.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

Bill "An Act to Adopt the National Association of Insurance
Commissioners' Model Insurance Producer Licensing Act"
(H.P. 1272) (L.D. 1730)

Presented by Representative MAYO of Bath.
Cosponsored by Senator LaFOUNTAIN of York and
Representatives: CANAVAN of Waterville, CRESSEY of Baldwin,
DUDLEY of Portland, MARRACHÉ of Waterville, O'NEIL of Saco,
SULLIVAN of Biddeford, YOUNG of Limestone, Senator:
ABROMSON of Cumberland.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require Registration of Building Contractors"
(H.P. 1273) (L.D. 1731)

Presented by Representative COWGER of Hallowell.
Cosponsored by Representative MATTHEWS of Winslow,
Senator TREAT of Kennebec and Representatives: DUPLESSIE
of Westbrook, HATCH of Skowhegan, HUTTON of Bowdoinham,
McKEE of Wayne, NORBERT of Portland, POVICH of Ellsworth,
RICHARDSON of Brunswick, Senator: DAGGETT of Kennebec.

CRIMINAL JUSTICE

Bill "An Act to Control the Abuse of Designer Club Drugs by Adding Certain Drugs to the List of Schedule W and Schedule X Drugs"

(H.P. 1269) (L.D. 1727)

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Senator McALEVEY of York and Representatives: MAILHOT of Lewiston, POVICH of Ellsworth, QUINT of Portland, SIMPSON of Auburn, SNOWE-MELLO of Poland, WHEELER of Bridgewater.

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 to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs"

(H.P. 1270) (L.D. 1728)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator McALEVEY of York and Representatives: QUINT of Portland, SCHNEIDER of Durham, SIMPSON of Auburn, SNOWE-MELLO of Poland.

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

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession"

(H.P. 1268) (L.D. 1726)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator CARPENTER of York and Representatives: CHICK of Lebanon, HONEY of Boothbay, USHER of Westbrook.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

ORDERS

On motion of Speaker SAXL of Portland, the following Joint Resolution: (H.P. 1255) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: GREEN of Monmouth, DORR of Camden, POVICH of Ellsworth, ROSEN of Bucksport)

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED
AS VICTIMS OF THE HOLOCAUST**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and

recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 19, 2001 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 15th to April 22nd as the Days of Remembrance of the Victims of the Nazi Holocaust, with the theme of "Remembering the Past for the Sake of the Future"; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; 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, pause in solemn memory of the victims of the Nazi Holocaust, urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

READ.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I want to thank you for your many kindnesses. The Holocaust was a systematic bureaucratic annihilation of six million Jews by the Nazi regime and their collaborators as a central act of state during World War II. In 1933, approximately nine million Jews lived in the 21 countries of Europe that would be occupied by Germany during the war. By 1945, two out of three European Jews had been killed. Although Jews were the primary victims, hundreds of thousands of Gypsies and at least 250,000 mentally or physically disabled persons were also victims of the Nazi genocide. As Nazi tyranny spread across Europe from 1933 to 1945, millions of other innocent people were persecuted and murdered. More than three million Soviet prisoners of war were killed because of their nationality, Poles, as well as other Slavs, were targeted for slave labor, and as a result tens of thousands perished. Homosexuals and others deemed "anti-social" were also persecuted and often murdered. In addition, thousands of political and religious dissidents such as communists, socialists, trade unionists and Jehovah's Witnesses were persecuted for their beliefs and behavior and many of these individuals died as a result of maltreatment.

The concentration camp is most closely associated with the Holocaust and remains an enduring symbol of the Nazi regime. The first camps opened soon after the Nazis took power in January 1933. They continued as a basic part of Nazi rule until May 8, 1945, when the war, and the Nazi regime, ended.

The Maine Holocaust Human Rights Center is represented here today. They do a marvelous job in what I deem as an important remembrance. There are indicators today that in some areas of the world that genocide still exists, in Bosnia, Kosovo and the Sudan. We must never forget or we will be destined to repeat. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. When we are reminded of those dark, dark days and the monstrous crimes committed, we should remember perhaps the less violent crime, but a crime nonetheless, the crime of inaction, described simply and eloquently by Reverend Martin Neimoeller. He said, "In Germany, the Nazis first came for the communists, I didn't speak up because I was not a communist. Then they came for the socialists, I did not speak out because I was not a socialist. Then they came for the labor leaders, I did not speak out because I was not a labor leader. Then they came for the Jews, I did not speak out because I was not a Jew. When they came for me, there was no one left to speak." Thank you.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. When we are presented with something, whether it is information or experience or something that faces us that is so difficult and so horrific and so hard to describe, the natural human reaction is to turn away. It is to dismiss it. It is to try to ignore. It is a natural reaction. It is a self-protective reaction. We try to protect ourselves physically and we try to protect our emotions. There are certain things that we must face and we must turn our heads back and open our eyes and take a long look. The experience of the Holocaust and the history that it provides us is one of those events. We need to look at it and linger and absorb the lesson that it provides. We need to allow it to wash over us and to accept what it teaches us. I think we must realize that history will indicate that it is not simply an experience that was suffered by a particular religious or ethnic group by a particular country. It was not necessarily a European issue. Just because countries now have changed their borders and changed their leadership and changed the way that they appear on the map, we realize as we look at this experience that it is a human experience. It is a common history for all of us. It binds all of us.

I would like to recognize the fact that the survivors that are here today have stood above the mainstream to present themselves and to present their story. The easy route for them to have taken would be to simply allow themselves to disappear with the multitudes of the rest of us and to not present the lessons that they have to give us. They have made the sacrifice to do just that. I applaud them. I hope today that we not only remember the victims, but we remember the memory of the men and women that acted as the liberators of Europe and the western world. Thank you.

ADOPTED.

Sent for concurrence.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had

preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in memory of Robert "Bob" Garland, of Anson

(HLS 115)

TABLED – March 8, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **ADOPTION.**

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. Robert "Bob" Garland was truly a public servant. He was an institution of his own. Bob was a selectman for the Town of Anson and North Anson for 48 years. Bob had a milk route in North Anson for many years. He conducted more town business out of his milk truck than at the Town Hall, I was told. Bob was involved in many civic organizations. He also was a former Somerset County Commissioner. The new bridge that was built in North Anson was named after Robert Garland. Mr. Speaker, when the House adjourns today, I request that it does so in honor and lasting memory of Robert "Bob" Garland of Anson. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I would be remiss if I did not say a few words about a personal friend, Bob Garland. Although Bob did not ever serve in these chambers, he probably knew more about local, state and national government than a good percentage of those of us who are serving here. The Garland home is across the river in Anson, across the river from Madison, but many people from Anson call me and ask me information on legislative issues. It is because they know me. Last fall when I was not in the best of physical health, I had a call from a man who said, "Shirley, come quick. I am trouble" and hung up. I knew the person, but I didn't know if it was the right thing for me to do to go to his rescue. I called Bob Garland. He called me back an hour later and he had taken care of it. The community of Madison and Anson will greatly miss Bob Garland. I extend my sincere sympathy to any of his family who is in the balcony. Thank you.

Subsequently, the Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative PINEAU from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Transfer State Property to the City of Bangor

(H.P. 738) (L.D. 957)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent for concurrence.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid"

(S.P. 125) (L.D. 401)

Signed:

Senators:

DOUGLASS of Androscoggin

BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

COTE of Lewiston

ESTES of Kittery

TUTTLE of Sanford

O'BRIEN of Lewiston

PATRICK of Rumford

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

HEIDRICH of Oxford

DUNCAN of Presque Isle

MAYO of Bath

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Protect a Child's Right to Bike and Walk to School"

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

Signed:

Senators:

MITCHELL of Penobscot

ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison

DESMOND of Mapleton

ESTES of Kittery

CUMMINGS of Portland

STEDMAN of Hartland

ANDREWS of York

WESTON of Montville

LEDWIN of Holden

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

SKOGLUND of St. George

WATSON of Farmingdale

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. We debated this issue at quite great length and there will be some debate following me, I am sure. This would make it a state law that every community in the state had to permit their students to ride to school on bicycles. We do not know how many communities in the state do not permit this. We do know there are three. Those of us who voted against this felt that this was a community responsibility and it was not something that we should be dictating from the state level and we were more thoroughly convinced of this when we learned that one community made this law in their community that the children could not ride to school on bicycles because two children had been killed by bicycles on their way to school. We do not know the location of every school in the state. I personally felt that if I voted for this and a child were killed on the way to school on his bicycle, I really would never forgive myself. I think others felt the same way, although you will hear the opponents to this measure and I urge you to listen to both sides and vote your conscience.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. With very great respect to the good Representative from Madison, I would ask you to vote against the pending motion so we can go on and accept the **Ought to Pass** as Amended report. Just to let you know, this is a very straightforward bill. I am just going to read it to you. It simply says that a school board may not prohibit students from riding bicycles or walking to school. I also want to point out that there was some language in the original bill, it was actually a mandate requiring that bicycle facilities be constructed at schools. That mandate language has been dropped from the bill. I really believe that we need this law. As you have heard, several school districts across our state have already adopted these policies that do not allow biking or walking to school. I think we need to intervene before this practice becomes more widespread.

As the good Representative said, schools are rightly concerned about the safety of students in their own community, but I believe a blanket prohibition on healthy clean activities is not the correct way to address this issue. Safety can be addressed through education. Our kids need to be taught the safe and correct way to bike on our roads. There are programs that exist out there to bring this sort of safety education into our schools. I think that should be done. Drivers, on the other hand, need to be educated on the awareness of children on bicycles, not only going to and from school, but on the roads in general every day of their lives. Safety also needs to be addressed by the community as a whole. If, as in some communities, safe travel routes do not exist to our schools, the communities need to get involved and to develop these routes. This may simply be through signage or maybe enforcement of speed limits in the areas of schools or it might even entail the construction of new sidewalks or bike paths. We need to make a community commitment to safety. Simply enacting a prohibition on biking or walking to school does not address the problem of safety. It simply buries our head in the sand. If there are safety problems,

let's address them. Let's not punish our kids against this tradition.

I think we have all heard our parents and perhaps many of us in this room relay the Maine tradition of walking miles to school in all weather conditions. We need to do all we can to preserve this tradition for future generations to appreciate as we tell the stories to our kids. This bill is about true local control. It is about personal responsibility and local decisions being made right at home. It is about decisions being made by kids and their parents and not by the local school administration.

Finally, let's encourage healthy habits and improve the long-term health of Maine children like we are doing right here by taking the State House challenge. There are alarming rates of childhood obesity in Maine. The Department of Human Services reports that 55 percent of Mainers, of all ages, are now clinically overweight. On a federal level, a recent report to the United States President entitled, *Promoting Better Health for Young People through Physical Activity and Sports*, was presented from the Secretary of Health and Human Services and the Secretary of Education. This report states, "Physical inactivity has contributed to an unprecedented epidemic of childhood obesity that is currently plaguing the United States." This report calls for encouraging young people to bike and walk to school as an important part of the solution.

I urge you to join me and some of my colleagues in voting against the pending motion so that we can accept the Ought to Pass. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to adopt the Ought Not to Pass motion. This bill really is a mandate to local schools if they cannot do something, if they cannot write rules into their policies to prohibit bicycles or pedestrian activities among their student population as they travel from home to school.

There was a mention that this bill had been changed, but as you notice on the report in the calendar, there is no amendment that has been drafted to make that happen. If you should pass this bill, it would be in its original form. Also, this bill says that local school systems cannot have a policy against children walking to school or riding bicycles to school even though it may be in the local boards judgment that such a prohibition is in the best interest of its children in their district or at their individual schools in the system where local road conditions or traffic unfavorably impacts that school facility. Local control versus state mandates is the real issue here and that is the reason why I, and many of my colleagues on the committee, voted Ought Not to Pass on this bill. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. As a member of the Education Committee and being on the Minority Report with the good Representative Skoglund, I want to assure the members of this body that it was with some anxiety, I think, that I wanted to see Representative Cowger of Hallowell's initiative passed. I understood and heard very clearly the concerns of my good colleagues on the Education Committee in regards to safety and well being of students across the state. I share in those concerns also. I have overriding concerns about the latitude that we have given some local school boards within the state in regards to public safety off of school property of which they have every right to have

jurisdiction over. I think that in the case of prohibiting students, whether they are in grades K-12 from either walking or biking to their schools, I think is excessive in the extremes because I feel that whether a child walks or bikes to school has always been traditionally and should still remain a parental responsibility and right to see how their children get back and forth to school. I don't believe a school board has the right to dictate to a parent, who may live within a block of an inner-city school that they have to get on a bus that might take them all about town for a half an hour to 45 minutes, when they could very easily walk across the street. The municipality is perfectly capable of hiring a crossing guard. I would hate to think that schools may use this mechanism through the school boards deciding who can walk and who can bike as a way to alleviate, perhaps, municipal responsibilities of public safety. I know in speaking to some of my school board members, I represent three separate school districts. They do not have this prohibition. They do offer busing for any students whose parents feel it is unsafe for their child to walk, even if it is just across the street, because of the age of the student. They make accommodations for that student to be picked up. They have not at this point in time, any of those school boards, decided that they would prohibit or supercede a parent's right for their child to bike or walk.

I will, if this passes, and I urge support, will be offering an amendment to address some of the issues that the committee brought forward in terms of liability that school districts may incur if they did not have this prohibition. Again, that was a major concern to the committee that, God forbid, a child should be injured or killed and what responsibility the school board actually has in that regard. I will speak to that amendment if this passes. I urge you all to please support me. Again, it is a parent's right to choose the best and most reasonable mode of transport for their children to and from their school. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the pending motion and in support of LD 621. I do so for three reasons. I think the bill promotes good health. It makes financial sense to communities in the state and it strengthens rural and urban communities. As was mentioned by Representative Cowger, the American Medical Association and the New England Journal of Medicine just recently reported on the dramatic increase in childhood diabetes and obesity. It is something we have never seen in American society before. They attribute this problem largely to the sedentary lifestyles that many of our kids are living these days.

As to costs, as many of you know, if we look back to 1970, our bus budget was \$9 million a year. Today that budget has grown to \$54 million a year and it is increasing steadily, yet we have 27,000 fewer children attending school these days than we did in 1970. There is also the additional cost of families using their private vehicles to get kids to and from school and the tragic costs of teenage accidents, that we are all too familiar with. Kids driving to school and leaving school in their cars. There is a much higher incidence of fatality, I would suspect, than from kids getting hit on bicycles.

Finally, in terms of communities, our schools really have become the centers of our community. They are the places around which and within which we build sustainable communities. Walking and biking to school is healthy. It saves money. It helps build community. I was lucky enough to grow up

in a community where I could walk to elementary school and high school and shops and stores. I would like to see more Maine kids have that same opportunity to have a healthier life. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I stand to belabor the point. Of course it is dangerous in places for children to walk to school or ride their bicycles to school. I think it is part of anyone's training to learn to look out for cars. Apparently we all learned that lesson. I think parents still have the right to say that you are not going to walk to school or you are not going to ride to school because it is too dangerous. It depends of the child. If they have a ninny, of course he shouldn't be out on a bicycle. If he is a normal child, I think he can do it.

Also, one of our major problems in this state is the deterioration of our community fabric. Children grow up as strangers in their own communities. They are put on that yellow bus when they are five years old and hardly ever set foot on their home turf, let alone meet their neighbors. I think it is a great advantage to encourage children to walk to school to get the exercise, to learn to look out for cars and to meet their neighbors. If we call this to the attention of the general public, I think when new school buildings are cited in the future, they will be in more appropriate places where children can safely walk or bicycle to school. I hope you will vote against the motion on the floor. When the vote is taken, I request a roll call. Thank you.

Representative SKOGLUND of St. George REQUESTED a roll call on the motion to ACCEPT the Majority Ought Not to Pass Report.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House. It has been mentioned that a few communities have adopted this policy. Could any member of the body express which communities have adopted this policy? Thank you.

The SPEAKER PRO TEM: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. We were told that there were three communities in the state that had this rule, but we were not told what those three communities were.

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

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

Representative COTE: Mr. Speaker, Men and Women of the House. The reason why I got up to speak on this is because I am a cosponsor on this bill. I felt that it is a good bill. We ought to pass it. I represent numerous schools in my district. I have numerous students that walk and ride their bikes to school. I don't have a problem. I don't see there is a problem with kids riding their bikes to school or walking to school. I think it is their

God given right to ride their bikes if they want to or if they choose to. It is also the parent's rights to let them if they choose to. I, myself, have a 14 year old who goes to Auburn Middle School. Unfortunately, he won't be there next year. He will be at Edward Little. He also would like to ride his bike to school when he chooses to. We give him that right, his mother and I. We will allow him to ride his bike to school if he chooses to. That is our right as parents if we choose to let our kids walk to school or ride to school, instead of taking the bus. As the previous speaker said, it is very expensive to transport kids to school when they don't live too far from the school. My son only lives within a block and a half of Edward Little High School. I would rather see him walk and ride his bike if he chooses to, instead of taking a bus for that short distance. He spends every morning, about 45 minutes, on the bus routing to pick up other students when he could be riding his bike to school and being on time for school instead of being late. Some mornings the buses are late and then he has to get a tardy slip.

By passing this law, LD 621, we give the children the rights to either choose to walk or ride their bicycles to school. I don't have a problem with it. I think it is a good bill and this is why I cosponsored it. I urge my fellow colleagues to vote against the pending motion and vote Ought to Pass.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought Not to Pass Report. I do this for a couple of reasons. Number one, I feel this issue is better handled at a local level than it would be here in Augusta. We shouldn't be mandating issues to our school boards, which, in fact, are elected officials like we are and can handle and know the safeties a lot better than we do. I represent three schools that are on a major highway, Route 236, in Eliot and South Berwick. I don't know how many of you are familiar with this road, but for me to sit here and to tell my school board that I feel that they should mandate and make it a law that the kids have to ride their bikes or walk to school on a major highway like this is just increasing the safety factor and it would really hurt our children in the long run. I stand in favor of the pending motion. I urge you to support it to.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. Just to reinforce something that was just said, this is a local issue. If a school has this policy in place and there are enough citizens in town that object to the policy, there is a procedure for making changes. It is to go through the school boards to make these changes happen. I don't think it is necessary for us in Augusta to make those changes for those people. 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. 16

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Haskell, Heidrich, Honey, Jacobs, Jodrey, Kane, Kasprzak,

LaVerdiere, Ledwin, Lemoine, Lovett, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, McNeil, Michael, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Richard, Rines, Rosen, Savage, Schneider, Shields, Smith, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Baker, Bliss, Canavan, Clark, Cote, Cowger, Dorr, Dudley, Dugay, Duplessie, Fuller, Hall, Hatch, Hutton, Jones, Koffman, Labrecque, Landry, Laverriere-Boucher, Lessard, Lundeen, McLaughlin, Mendros, Michaud, Paradis, Pinkham, Richardson, Sherman, Simpson, Skoglund, Snowe-Mello, Tracy, Trahan, Volenik, Watson.

ABSENT - Bouffard, Hawes, Matthews, McKee, Quint, Thomas, Twomey, Mr. Speaker.

Yes, 108; No, 35; Absent, 8; Excused, 0.

108 having voted in the affirmative and 35 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Encourage Maine's Best and Brightest Students to Continue their Education in the State of Maine"

(H.P. 577) (L.D. 732)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin

Representatives:

STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden
WATSON of Farmingdale

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
ESTES of Kittery
CUMMINGS of Portland

READ.

On motion of Representative RICHARD of Madison, **TABLED** pending **ACCEPTANCE** of either report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Exempt Persons at Least 70 Years of Age from Jury Service at Their Discretion"

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

Signed:

Senators:

RAND of Cumberland

McALEVEY of York

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

MITCHELL of Vassalboro

MUSE of South Portland

SIMPSON of Auburn

MADORE of Augusta

WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-37)** on same Bill.

Signed:

Senator:

FERGUSON of Oxford

Representatives:

JACOBS of Turner

SHERMAN of Hodgdon

MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that I put in at the request of many of my people that have reached the same age that I have. This bill would allow a person 70 years of age or older to be excused from jury duty because he or she is 70 years of age or over. Many of the people that I associate with feel that having reached that age, there should be an age factor in the reasons to excuse from jury duty. Age related issues can be considered, such as health, transportation problems, family related obligations and so on, but other age factors may not, such as stress, medication schedules, prolonged commitment on a daily basis and so on. By allowing age to be used would remove these factors if the person so chooses. I stress again, if the person so chooses. It is only at the request of the potential juror that this would be allowed. Age does not automatically disqualify, but only if the person chooses to use it. I would bring your attention to a booklet that was placed on our desks this morning, *An Opportunity to Respect our Elders*. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. This bill is a bill that has come before this body numerous times in the past. Each time it has, we have not decided to make it law. One of the major reasons that we have decided against this in the past and we should decide against it at current is because the courts already look at all of the factors that are important to jury service when they review who is eligible for jury duty and who is not. Right now a court can excuse someone based upon their inability to get to the courtroom, their medication schedules or any factor that would make it difficult or impossible for them to serve as a juror.

What this bill would do is to grant an automatic exemption to anyone who is over the age of 70 so that they don't have to serve on jury duty, regardless of whether they are in good health and could serve or not. One of the things that is unique about all of us as citizens of this country is that we have rights under the Constitution. We have rights as citizens to receive services

when we are elderly and to receive government assistance when we are elderly. All of those rights come with responsibilities. One of those responsibilities as a citizen is to serve on a jury when you are able to do so. That is what this bill is all about. This bill would say regardless of your health and your condition, you don't have to serve if you are over 70. In my opinion, that is improper. If you have a legitimate reason why you should not be able to serve, then the court will excuse you. It currently has that power and it currently does so. If you are able to serve, your age should not be your excuse for not doing your responsibility as a citizen of our great country. As a result of that, the committee felt very strongly and you can see from the report that the committee voted Ought Not to Pass and I would ask that the members of the body join with the committee in voting Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Mr. Speaker, Ladies and Gentlemen of the House. You will note I am on the Minority Report. My take on this is you are going to have a 70 year old and someone could have picked a different age, but you have had long service to your country at that point in your life. We have had bills in here at age 55 where they had to take defensive driving courses. We have looked at much younger ages for exempting people from things. As this bill is written now, it is a may issue. A judge may issue. If a person 70 years old shows up in court, you might think of the embarrassment that person has to go through, perhaps, in getting themselves excused. The idea of maybe I have glaucoma, maybe I can't drive at night, I am not sure you want to put a person in that situation. As this is written, it allows the judge to maybe excuse from jury service. It would make that even tougher in terms of giving individuals more power over the life or their lives at age 70. I urge you to defeat the pending motion.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. For all those reasons that were stated by the good chair of the committee, I hope you will join with the majority of the committee and vote Ought Not to Pass on this bill. You heard some of the issues involved. One of the issues that wasn't mentioned that really came to fruition for me was during my life experience, I have known a lot of elderly people and one of the most fascinating things I find with visiting with people who have lived a long life is their vast life experience. They have wonderful stories to tell and wonderful experiences and a great deal of knowledge. I feel as though if you exempt people from jury duty, which is a civic responsibility, it is something that somebody over 70 years old may never have done before, you are excluding that vast life experience from the possible jury pool. You have to ask yourself the question when you approach 70 or 70 years old, should that be a reason that you can say that you don't want to serve jury duty? Anyone who has served on jury duty, I have, certainly didn't want to take that time out of their lives if they were working, but it was a civic responsibility and they went ahead and did that. A lot of people who were 70 years

or older have retired and they have time to do that. That is even more of a reason for somebody who is over 70 for serving on jury duty. If I were retired, I probably would have looked at it with more fondness than I did since I was losing money being down in Superior Court. That is one of the main reasons I voted to Ought Not to Pass on this. We do not want to lose those pools of people with that vast life experience and knowledge because they don't want to serve. Thank you very much.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. When have people done enough? When have our citizens done enough? At age 65 we tell them they don't have to work anymore. They can retire. At age 70, haven't they earned the right to enjoy the final years of their lives without having to be dragged off to court if they choose not to? If they have life experiences and they choose to go, great, they still can. Haven't they earned it at age 70? When are you allowed to enjoy a little bit of your life? That is all this bill says. If they don't want to, let them have the option to opt out on serving. We talked about the drain of our senior citizens that leave the state. They spend six months minus one when they are here and six months plus one day in Florida so they don't have to pay income tax. Some of them stay and they pay tax on their pensions. They stay in Maine because they want to stay Maine residents. This is one more reason for them to leave, so they don't have to serve jury duty. It may be a minor reason, but it is a fundamental reason. When are we going to say thank you to our senior citizens for what you have done and to enjoy your yourself and your retirement, we are not going to come nagging at you and picking at you for anything else unless you choose to do it. If you choose to stay at home, enjoy yourself. Thank you.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. Just to reinforce what this bill is really about. It is if the person 70 or older chooses to be excused from jury duty because of age, then it would be granted. It doesn't mean that everybody is exempted from this when they reach that age. If there is someone 90 who wants to serve on a jury and feels capable and able to do it, they can still do that. This is just to give them that option. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STEDMAN of Hartland **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: 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. 17

YEA - Annis, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Chase, Chick, Clough, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-

Boucher, Lemoine, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Schneider, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Tracy, Trahan, Tuttle, Usher, Volenik, Waterhouse, Winsor, Mr. Speaker.

NAY - Andrews, Carr, Chizmar, Clark, Crabtree, Davis, Desmond, Gagne, Glynn, Haskell, Jacobs, Jodrey, Ledwin, Lessard, MacDougall, McNeil, Mendros, Michael, Murphy E, Murphy T, Perkins, Pinkham, Rosen, Sherman, Shields, Stanley, Stedman, Tobin D, Tobin J, Treadwell, Watson, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Bouffard, Goodwin, Hawes, Lovett, Matthews, McKee, Quint, Thomas, Twomey.

Yes, 107; No, 35; Absent, 9; Excused, 0.

107 having voted in the affirmative and 35 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Expand Parental Control of a Minor Child"

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

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

MATTHEWS of Winslow
BUNKER of Kossuth Township
HUTTON of Bowdoinham
SMITH of Van Buren
TARAZEWICH of Waterboro

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

CRESSEY of Baldwin
DAVIS of Falmouth
MacDOUGALL of North Berwick
TREADWELL of Carmel

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

**CONSENT CALENDAR
First Day**

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

(S.P. 61) (L.D. 225) Bill "An Act to Enable Small Wineries to do Business in Maine" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 87) (L.D. 314) Bill "An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)**

(S.P. 89) (L.D. 316) Bill "An Act to Authorize Representation by the Public Advocate of Consumer Interests on Regional Decision-making Bodies" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)**

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

(H.P. 1022) (L.D. 1371) Bill "An Act to Establish the Dairy Industry Fund" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-39)**

On motion of Representative WESTON of Montville, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE GROSSED as Amended by Committee Amendment "A" (H-39)** and sent for concurrence.

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 118) (L.D. 394) Bill "An Act to Facilitate State Park Campsite Reservations through the Internet"

(S.P. 139) (L.D. 462) Bill "An Act to Clarify the Substance Abuse Law"

(S.P. 160) (L.D. 504) Bill "An Act to Establish the State's Recycling and Waste Reduction Goals"

(S.P. 49) (L.D. 217) Bill "An Act to Clarify Insurance Coverage for Victims of Domestic Violence" (C. "A" S-5)

(S.P. 99) (L.D. 325) Bill "An Act to Enhance Collectibility of the Penalty for Failure to File the Municipal Valuation Tax Return" (C. "A" S-6)

(H.P. 268) (L.D. 346) Bill "An Act to Provide Clarification on the Use of Impact Fees"

(H.P. 438) (L.D. 559) Bill "An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court"

(H.P. 440) (L.D. 561) Bill "An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges" (EMERGENCY)

(H.P. 225) (L.D. 260) Bill "An Act to Provide Funds to Purchase Thermal Imaging Cameras" (C. "A" H-34)

(H.P. 244) (L.D. 280) Bill "An Act Concerning Recordkeeping in Relation to Employment of Minors" (C. "A" H-36)

(H.P. 265) (L.D. 343) Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor (C. "A" H-32)

(H.P. 390) (L.D. 511) Bill "An Act to Provide an Opportunity to Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives and Nonprofit Community Theaters" (C. "A" H-35)

(H.P. 704) (L.D. 919) Bill "An Act to Provide for Variance Notification in the Shoreland Zoning Law" (C. "A" H-33)

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

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

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

COMMUNICATIONS

The Following Communication: (H.C. 123)

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

March 21, 2001

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1(I), I have made the following changes in appointments to the Joint Standing Committees of the 120th Maine Legislature:

I appointed Representative John Michael of Auburn to the Joint Standing Committee on Banking and Insurance, replacing Representative Philip Cressey, Jr. of Baldwin.

I appointed Representative Philip Cressey, Jr. of Baldwin to the Joint Standing Committee on State and Local Government, replacing Representative William S. Norbert of Portland.

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

On motion of Representative TRACY of Rome, the House adjourned at 11:52 a.m., until 10:00 a.m., Thursday, March 22, 2001 in honor and lasting tribute to Robert Garland, of Anson.