

# MAINE STATE LEGISLATURE

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



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

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

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
27th Legislative Day  
Thursday, March 29, 2001

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

Prayer by Reverend Robert Beaumont, Penney Memorial Baptist Church, Augusta.

Pledge of Allegiance.

Doctor of the day, Paul A. Liebow, M.D., Bucksport.

The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

Bill "An Act to Improve Services for Children with Autism"  
(S.P. 578) (L.D. 1756)

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 Amend the Laws Pertaining to the Department of Corrections"

(S.P. 580) (L.D. 1758)

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 Encourage Savings for Higher Education"  
(S.P. 579) (L.D. 1757)

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 Provide for a Smoking Cessation Program for Pregnant Women"

(S.P. 577) (L.D. 1755)

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 Change the Membership of Certain Boards to Include The Department of Administrative and Financial Services"

(S.P. 581) (L.D. 1759)

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.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 145)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 23, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 665            An Act to Increase Efficiency in Maine Land Use Regulation Commission Permitting

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

Sincerely,

S/Sen. Richard Kneeland

Senate Chair

S/Rep. Linda Rogers McKee

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 146)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

March 23, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 730            An Act to Assist Maine Licensing Agents in Modernization of Technology

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

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 147)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 23, 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. 731 An Act to Require Gun Safety Education

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. 148)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 23, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 159 An Act to Establish a Child Ombudsman Office

L.D. 556 An Act to Increase Eligibility for Health Care Benefits

L.D. 905 An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process

L.D. 1005 An Act to Inform Consumers About Prescription Drug Prices

L.D. 1300 An Act to Establish the Child Ombudsman Office and Improve Child Protective Procedures

L.D. 1386 An Act Relating to Low-cost Prescription Drugs

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

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Thomas J. Kane

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 149)

**STATE OF MAINE**

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

March 23, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 373 An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers

L.D. 1243 An Act to Reform Maine's Prevailing Wage Law

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

Sincerely,

S/Sen. Betheda G. Edmonds

Senate Chair

S/Rep. Zachary E. Matthews

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 150)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 20, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 252 An Act to Reduce the Time Permissible for Displaying Political Signs

L.D. 565 An Act to Discourage Drunken Driving

L.D. 763 An Act to Refine the Maine Clean Election Act

L.D. 835 An Act to Eliminate Funding for Primary Elections under the Maine Clean Election Act

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. John L. Tuttle, Jr.

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 151)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 23, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 454 An Act to Clean Up Maine's Clean Election Law
- L.D. 501 An Act to Reform Certain Features of the Clean Election Law
- L.D. 563 An Act to Require Towns to Process Initiative and Referendum Petitions within One Week of Delivery
- L.D. 564 An Act to Encourage Indelible Ballot Markings
- L.D. 569 An Act to Preserve the Integrity of the Polling Place by Limiting the Physical Presence of Candidates
- L.D. 574 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Signatures Required for Citizen Initiatives
- L.D. 575 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative
- L.D. 624 An Act to Amend the Clean Election Laws
- L.D. 867 Resolve, to Establish A Study Commission to Study Redistricting

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

Sincerely,  
S/Sen. Neria R. Douglass  
Senate Chair  
S/Rep. John L. Tuttle, Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 152)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON TAXATION**

March 23, 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. 64 An Act to Increase the Veterans' Property Tax Exemption
- L.D. 144 An Act to Reduce the Tax on Gasoline
- L.D. 350 An Act to Exempt Recipients of the Silver Star from the State Income Tax
- L.D. 613 An Act to Create a Sales Tax Holiday for the Purchase of School Supplies

- L.D. 654 An Act to Amend the Tax Assessed Against Certain Casual Sales
- L.D. 667 An Act to Exempt Retirement Income from the Maine Income Tax
- L.D. 711 An Act to Permit a Sales Tax Trade-in Credit for Leased or Rented Vehicles
- L.D. 713 An Act to Preserve Maine's Income Tax Revenues
- L.D. 717 An Act to Index the Income Tax Deduction for Pensions to the Rate of Inflation
- L.D. 719 An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000
- L.D. 762 An Act to Exempt Purple Heart Recipients from State Income Tax
- L.D. 805 An Act to Allow a \$5,000 State Income Tax Exemption for Any Full-time, Postsecondary Student With a Taxable Income of \$20,000 or Less
- L.D. 838 An Act to Increase the Personal Income Tax Exemption to \$5,500 Per Eligible Dependent
- L.D. 839 An Act to Allow a Property Tax Exemption to Landowners Whose Property Abuts a Solid Waste Facility
- L.D. 865 An Act to Reduce the Personal Income Tax
- L.D. 879 An Act to Decrease Individual Income Tax by 20%
- L.D. 880 An Act to Increase to \$17,500 and \$35,000 the Tax Deduction for Public and Private Pensions
- L.D. 914 An Act to Provide Fair Treatment in Taxation of Social Security Retirement Benefits
- L.D. 939 An Act to Provide Tax Relief to Maine's Military Retirees
- L.D. 980 An Act to Provide Property Tax Relief to Senior and Disabled Citizens of the State
- L.D. 1029 An Act to Amend the Law Pertaining to Tax Exemptions for Public and Private Pensions
- L.D. 1115 An Act to Exempt a Portion of Certain Pensions From the State Income Tax
- L.D. 1129 An Act to Allow an Income Tax Deduction for the Cost of Health Insurance Premiums

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: (H.C. 153)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON TRANSPORTATION**

March 23, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 557 An Act to Amend the Laws Pertaining to Pedestrians on a Public Way
- L.D. 656 An Act to Require a Continuing Review of Regional Transportation Problems in Northern York County and Southern Cumberland County
- L.D. 858 An Act to Revert the Seat Belt Law to the Form Approved by the Citizens
- L.D. 891 Resolve, to Direct the Department of Transportation to Place a Traffic Light in Auburn
- L.D. 895 Resolve, Requiring the Department of Transportation to Construct 4-foot Paved Shoulders on Hazardous Segments of Route 15 in Hancock County
- L.D. 1097 An Act to Provide Nesting Areas for Ospreys Displaced by Department of Transportation Bridge Repair

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

Sincerely,  
 S/Sen. Christine R. Savage  
 Senate Chair  
 S/Rep. Charles D. Fisher  
 House Chair

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1292)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill authorizing the Commissioner of Defense, Veterans and Emergency Management to accept land for a veterans' memorial cemetery in southern Maine.

**READ and PASSED.**  
 Sent for concurrence.

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

On motion of Representative O'NEIL of Saco, the following Joint Order: (H.P. 1293)

ORDERED, the Senate concurring, that the Joint Study Committee to Examine Issues Related to Motor Vehicle Glass Claims is established as follows.

**1. Committee established.** The Joint Study Committee to Examine Issues Related to Motor Vehicle Glass Claims, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of the following 5 members:

- A. Two members of the Senate appointed by the President of the Senate; and
- B. Three members of the House appointed by the Speaker of the House.

When making the appointments, preference must be given to members of the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.

**3. Appointments; chairs; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than August 15, 2001.

**4. Duties.** The committee shall examine issues relating to motor vehicle glass claims, including, but not limited to, the following.

A. Whether the Maine Insurance Code, Maine Revised Statutes, Title 24-A, provides necessary and appropriate regulation of the motor vehicle glass industry, including glass manufacturers, dealers, networks, franchisees and independent motor vehicle glass dealers, and competition among members of the industry.

B. Are networks affiliated with motor vehicle glass dealers "steering" insurance consumers in violation of Title 24-A, section 2164-C or as contrary to interpretations of Bureau of Insurance Bulletins 171 and 284?

C. Are there independent networks available to auto insurers in this State who want to use a network to administer the insurer's motor vehicle glass claims?

D. To what extent have auto insurers in the State contracted out their motor vehicle glass claims processing to networks, and what percentage of those networks are affiliated with motor vehicle glass companies?

E. Does the use of affiliated networks benefit consumers in lower premiums and insurers in lower administrative costs and could these cost savings be achieved through the use of independent networks?

F. Is legislation to prohibit the use of affiliated networks warranted to ensure compliance with Title 24-A, section 2164-C?

G. To what extent has the Bureau of Insurance received complaints from insurance consumers regarding motor vehicle glass claims, or has the bureau conducted a market conduct examination of auto insurers related to motor vehicle glass claim programs?

H. Are there price differentials between amounts paid by insured and noninsured individuals for motor vehicle glass repair and replacement and what impact do coupons have on those prices?

I. What disclosures are made to insurance consumers by auto insurers related to motor vehicle glass claims?

J. To what extent do other states regulate motor vehicle glass repair and replacement covered under auto insurance policies?

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

**6. Compensation.** Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel

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

**7. Report.** The committee shall submit a report and is authorized to submit legislation to the 120th Legislature no later than November 15, 2001. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**8. Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee 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 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 budget, expenditures incurred and paid and available funds.

Committee on **BANKING AND INSURANCE** suggested.

**READ.**

On motion of Representative COLWELL of Gardiner, the Joint Order was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE**.

---

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 24)

ORDERED, that Representative Walter E. Ash, Jr. of Belfast be excused Wednesday, March 28th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Martha A. Bagley of Machias be excused Tuesday, March 27th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peter D. Chase of Levant be excused Thursday, March 22nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative William D. Pinkham of Lamoine be excused Wednesday, March 28th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Edward J. Povich of Ellsworth be excused Tuesday, March 20th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald E. Usher of Westbrook be excused Wednesday, March 28th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Florence T. Young of Limestone be excused Thursday, March 22nd for personal reasons.

**READ and PASSED.**

---

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

the following members of the Mt. Blue Girls Ski Team, of Farmington, who have won the 2001 Class A State Championship: Allison Demshar, Allison Tinguely, Angela Ferrari, Anna Dunlap, Anna Perry, Callie Douglas, Courtney Clark, Elena Yates, Emma Carlson, Hannah Bogar, Hannah Whitney, Heidi Tripp, Heike Pfauffle, Hillary Smith, Jessica Bouchard, Jessica Ellingwood, Julia Hoisington, Katie Wells, Kristina Hines, Lacey Guyette, Lauren Stevens, Lilah Violette,

Molly Hardy, Monica Hedstrom, Moriah Berger, Shannon Yates and Stefanie Jordan. We also recognize their coaches, Rich Hardy, Jeff Meserve, Mark Cyr and Jason Simpson. We applaud the team for its hard work and dedication, which led to the school's 10th consecutive girls ski championship victory. Ten consecutive wins is a pinnacle of success that has been achieved by only 2 other teams in the State's history. We send our congratulations and best wishes to the team on this accomplishment;

(HLS 149)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden, Representative JODREY of Bethel, Representative PINEAU of Jay.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. It certainly is a pleasure to have the Mt. Blue Girls and Boys Ski Team here today to be recognized. I would just like to say that they do reign academically also. I would also like to say to all athletes in Maine, whatever the competition, it is the spirit of the competition. We are very pleased to have our ski teams here today. Thank you very much.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. You know, ladies and gentlemen, when we debate many of the difficult matters that come before us, we take it very seriously and we do our job very well. It is a delight every once in a while to take a moment and to talk about something that is a little less important in terms of ongoing business, but much more important in terms of the lives of the people around us. That is to recognize the people who make our state a better place. Some of these people are in the gallery today. They are the winners for the tenth consecutive year of the state championship in girl's skiing. These young women are some fine examples of the kind of athletic program that we should all be proud of. I know that I am proud of them. I am also proud of the boy's team, which you are going to hear about shortly because they also won the state championship. These people are fine examples of what our schools can produce. Every time you vote for GPA and every time you vote for school funding, you just remember that your money is being well spent and some of these young men and women are the finest examples of what we have in the state today. I applaud them for their victory and I hope that you will join me at the appropriate time in greeting what is a fine, fine group of young women and men. Thank you.

**PASSED** and sent for concurrence.

---

the following members of the Mt. Blue Boys Ski Team, of Farmington, who won the 2001 Class A State Championship: Aaron Whitten, Adam Parlin, Adam Staier, Alex Martin, Ben Prentiss, Ben Saviello, Bracken Babula, Bud Sinclair, Buzzy Cyr, Chad Flagg, Chris Allen, Dan Lightbody, Derrick Pratt, Eben Bouchard, Ian Mcpherran, Jake Hardy, Jence Carlson, Jimmy Walker, John Tompkins, Luke Ferreira, Machais Schoen, Matt

Dunlap, Matt Gopsill, Mitch Groder, Scott Nichols, Seth Hubbard, Tim Roberts, Tom Asletine, Tommy Gopsill, Tyler Judkins, Wes Hines, Wyatt Dumas and Zack Pickrell. We also recognize their coaches, Rick Hardy, Jeff Meserve, Mark Cyr and Jason Simpson. We send our congratulations and best wishes to the team and their coaches on this accomplishment;

(HLS 150)

Presented by Representative GOOLEY of Farmington. Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden, Representative JODREY of Bethel, Representative PINEAU of Jay.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. All I can say is ditto on what I said earlier. We are very proud of the boy's ski team also. Thank you very much.

**PASSED** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Bowles who wishes to address the House on the record.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. In a short time we are going to be talking about elephants. Before we begin that debate, I would like to talk to you a second about another animal, the bunny. We all know about the ever ready bunny. He just keeps going and going and going. In the Town of Sanford our ever ready bunny is girl's field hockey. It just keeps going and going and going. We, in Sanford, are very, very proud of our field hockey girls. I just want to quickly tell you a little bit about their accomplishments.

This year the seventh grade girl's team, the eighth grade girl's team, the ninth grade girl's team, the Junior Varsity team and the Varsity team, all had undefeated seasons, not one game did these girls lose while playing a full compliment. Our varsity team, which is in the gallery today, is the winner for the second consecutive year of the Class A State Championship. We are very proud of this team and its coaching staff, Coach Diana Walker, Coach Nancy Neubert and Kathy Curley and the 10 seniors who make up the team Sarah MacKay, Tanya Cote, Gretchen Goodhue, Andrea Krupsky, Nicki Libbey, Kristen Gauthier, Dawn Poole, Callie Black, Emily LaPlante and Tiana Morissette and all the other girls who are part of this tradition. I particularly would like to recognize my niece, Michelle Gauthier who is a member of this team. Mr. Speaker, I appreciate the opportunity to speak about this fine organization of girls. They make Sanford very proud. I just want to tell all of you that we are looking for a threepete. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle who wishes to address the House on the record.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Mr. Speaker, Men and Women of the House. I would also like to welcome back Coach Diana Walker and the Sanford High School State Championship Class A Field Hockey Team for the second year in a row. My wife, Anne, and my

daughter, Megan, and I were in the game in Gorham last November. It was the Saturday before elections. I figured I would take in the game and give up the campaigning for one day. I am glad we did. With 4 minutes and 33 seconds remaining in the first overtime period, Sarah MacKay fired a shot towards the goal and Sara Rose Blais deflected it into the cage to end the contest and give Sanford its second straight Class A State Championship with a 3 to 2 victory in overtime. As many of you know, I have an autographed picture of last year's championship team on the wall in the Legal and Veterans Affairs Committee in room 436. If the team does have time, I would like to have them stop by and see it. It is something I feel very proud about. As Representative Bowles from Sanford has told you, I am also hoping for a threepete next year. I think with the team and the players and the coaches that we have, I think that we can do it. I am even hoping that some day my only daughter Megan will play for Coach Walker. In closing, Mr. Speaker, cheer, cheer for old Sanford High. Ours will be victory by and by. Come on team let's fight, fight, fight. Fight for the red and for the white. Come on old Sanford, we have to win. Fight to the finish, never give in. Never let your spirit die. Come on old Sanford High. Mr. Speaker, I would like to have you recognize the team and the coaches in the gallery. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the record.

Representative **CHICK**: Mr. Speaker, Men and Women of the House. I am very thrilled this morning to have an opportunity that I have had previously to welcome here to the House members of state championship teams. This is an outstanding record. I would say, well done to Coach Walker and her helpers. Also, it appears that the system for field hockey is well in Sanford. I can't help but mention the support of education that we have had a chance to take a part in like we did last evening. I would also say to these young ladies, always remember that you took part in a championship team. I, too, many years ago had that privilege and it is something you will never forget. Forever, I am very proud to say these words to you as championship team in field hockey in the State of Maine. Thank you.

**REPORTS OF COMMITTEE  
Change of Committee**

Representative **POVICH** from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Excuse Animal Control Officers from Attending the Maine Criminal Justice Academy"

(H.P. 726) (L.D. 946)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.



**Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Certain Conduct Relating to Elephants"

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

Signed:

Senators:

KNEELAND of Aroostook  
NUTTING of Androscoggin

Representatives:

HAWES of Standish  
LANDRY of Patten  
LUNDEEN of Mars Hill  
GOOLEY of Farmington  
FOSTER of Gray  
CARR of Lincoln  
JODREY of Bethel

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

Signed:

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
PINEAU of Jay

**READ.**

Representative McKEE of Wayne moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

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

Representative **McKEE**: Mr. Speaker, Men and Women of the House. This was one of the most intriguing titles as I looked over the list of bills to be heard for this session. I must admit, personally, at first glance, I didn't take it too seriously. As I realized in the hearing, I did not understand what was going on behind closed doors. Like most of you, your first view of an elephant is memorable. For most of us, there were no televisions. The elephants simply existed in a textbook. When that picture came to life, it was truly a thrilling experience. We loved the circus. We took our children there too. However, what happened in route to that circus and what happened during the circus and what happened years before the circus was of little importance to us. I want to thank the good Representative Muse for bringing this bill to our attention. He will be speaking on it later.

There are some things that I want to bring up that were very troubling and I urge you to vote **Ought to Pass** and join us. There are issues regarding the educational value that circuses often say about the elephants. There are definitely problems with animal welfare, the entertainment value and with safety issues. I would just like to address these briefly. The use of these wild animals in circuses and other traveling shows, because cruelty to animals is inherent in these operations and because their use poses a serious risk to the safety of the community, makes this a very important bill.

The lives of performing elephants are stressful and traumatic, we learned. These animals are routinely subjected to months of traveling confined in chains in rail cars. They are provided with limited veterinary care. They are maintained on inadequate diets and they are exposed to the poor and often cruel practices of untrained personnel. Their needs are almost impossible to meet.

There are excessive and abusive training methods that we learned are used to coerce the animals into performing tricks and stunts, such as shock treatment or the bull hock or burning off of the air on elephants in order for them to look like the elephants that we see in the circus, which was something I had no idea happened. In order to get them to perform these tricks and stunts, trainers believe that this has to be done. This is not to say, of course, that there are not good animal trainers and there are not good situations, perhaps, where this is occurring. I spoke to one person who said that for two years, I worked with elephants in Tibet and gave children rides. It was an enormously beneficial experience for this person. I have no doubt that in Tibet and India and other countries where they are regularly used for travel, riding and sometimes for work, that they are not treated in any way different than the way that we would treat our own animals.

As I heard some of these things that elephants are required to do, I thought, what would we say if we were in India on a vacation and we went to a circus and we saw the great Maine moose in the center ring dressed in a tutu or a bikini trying to stand on its hind feet and dancing to take me out to the ball game? The standards for the humane handling, care, treatment and transport of exhibition animals, like elephants, is under the federal Animal Welfare Act. Our own State Department of Agriculture does not get involved unless there is a report of mistreatment as occurred recently in Portland. This act permits circuses and traveling wild animal shows to operate just at or below the federal standards. If you are not in full compliance with the AWA, you are given only a warning to improve. Persistent violators are rarely prosecuted by the USDA.

The data that was presented to us showed that an increasing number of human and animal injuries and deaths associated with these performing elephants is cause for concern here also. The potential risks of such entertainment are too dangerous for both people and animals. The public safety issue has led to the passage of local laws in several communities across the country that prohibit or restrict the use of wild animals in performance.

One of the things that came to my attention is we, of course, do have elephants that come into the state with circuses and we have elephants in wildlife parks. Children that ride these elephants in these parks are not required to have any permission from a parent. If you are a parent in a school system that takes one of these tours to a wildlife park, your child may be riding an elephant without your knowledge. I wouldn't have thought too much about that three weeks ago. Just as the reading of the book or meeting of a new friend changes your life, so does a hearing. That has changed my life. I would not allow children in the United States to ride elephants if possible.

The last thing has to do with education and entertainment. Circuses often say that this is an education. How many times have you been to a circus where an educational workshop was put on outside the circus for children? It is for entertainment. It is not for true education. A child can get a lot more education about elephants by going online, quite frankly. There is really no evidence to support such a claim. Instead of providing a point of view that promotes an understanding of or a concern of what an elephant is or what it does, animal acts reduce the animal to no more than a fantasy figure or a clown far removed from its natural context. If you could have seen some of the pictures that we saw and the films that were circulated among the committee, elephants who after their acts were put back into their chains and who stood for hours on end simply rocking back and forth and

back and forth. Clearly you might say bored, but after hearing trainer and ecologists and scientists and people who have worked with these animals for a long time, this definitely is a sign that there is some disturbance emotionally among the elephants.

We urge you to consider carefully both the animal welfare and the public safety issues that are associated with elephants in rides and displays and other performances as you consider your vote. We believe that the entertainment, which includes such questionable aspects, is neither appropriate nor responsible and we urge you to accept the Minority Ought to pass Report. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. Well, here we are. I guess I need to begin by formally thanking the membership for the numerous elephant trinkets that I have received over the last couple of months. I guess if we can't find a little bit of levity in something while we are here, we will all kind of go coo coo anyway. I don't mind that. I appreciate that. This bill, when I first said it out loud, I chuckled and I laughed myself and then I started to look. Ladies and gentlemen of the House, it took me about 15 minutes to be overwhelmed with material. It is material that is being presented by such a wide array of groups, not just animal rights people, but by children, humane societies and you name it. The material is everywhere. I was flooded by it. I was overwhelmed with it. I funneled through it.

I was very surprised that the majority of the committee voted Ought Not to Pass. I listened to their reasoning on the day of their work session. I was very disappointed that they had asked for a multitude of information. I provided it to them. I provided them information that substantiated everything that was said in the committee. Unfortunately, the committee didn't have time to even look at it before they voted on the bill. I haven't bothered all of you with all of that information because I don't think many of you have the time to read it.

I noticed some of you flipping through some of the three pieces that were distributed this morning. I will talk briefly about a couple of those. Fact sheets, do you think it is fun? What I want to tell you first is that a couple of months ago I was visited here by the vice president of Feld Entertainment who owns Ringling Brothers. He gave me his card and it was a little game of show me your cards and I will show you mine. We both politely showed each other nothing and he left. He left saying, "Chris, if you ever want to see any of our facilities, come on down." I did that.

A few weeks ago, I went down to Florida and I told nobody. I went down to Florida and I went to Ringling's retirement facility where they house 14 elephants. I drove through beautiful countryside in Florida. It is about 100 miles northwest of Orlando. I was thinking to myself as I was driving that this place isn't going to be bad. It is beautiful countryside. It is horse country. I was driving past rolling pastures, former Preakness winners were proudly advertised. I thought that this isn't going to be bad. I then ran into my first problem. I realized when I got there that I had forgotten the directions to where it was. How hard could it be to find it? This is elephants in Florida. How hard could it be to find? I didn't worry to much about it. I pulled into the town. It is literally a one intersection town. I pulled into the first gas station that I came to and I said that I am looking for Ringling Brother Elephant Retirement Home. The guy looked at me and said, "What?" I said, "Yes, you know, the elephants."

He said, "I don't know what you are talking about?" Florida is noted for a very transient population so I left and I went next door to a 7 Eleven and I asked the same thing. The woman said, "You are looking for a circus?" I said, "No, the retirement home." She didn't know. A long story short, I ended up at city hall. They didn't know where it was. They had directed me across the street to the police station. I talked to a dispatcher who said, "There are no elephants in this town." I knew there were and I told her that. She went out back and she found a sergeant who had been with the department since the town was founded. He came out and he said, "Yes, it is down the road somewhere. I can't tell you where, but it is on a dirt road and it is kind of a secret place."

Well, then I found my directions and I went back to city hall and they gave me a map to where it was. I drove down and sure enough it is on a dirt road and it is a secret place. There is not one sign that says Ringling or Feld or anything. You have to ring a buzzer. I rang the buzzer and I waited 10 minutes. A gentleman showed up. I said, "I want to see your elephants." He said, "Are you just driving by?" I said, "Did I just happen to be driving by? No." I introduced myself and I showed him a card of the vice president and said that if I ever wanted to see, come on down. Here I am. He got very nervous and he disappeared on his tractor. About 15 minutes later the manager of the facility showed up. I am sure there were phone calls made. In fact, I know there were. The first thing he said to my wife was to please put the camera away. You can come in, but no cameras. Fine, I am still thinking that this might not be a bad place. We went in and, ladies and gentlemen, it is a bad place. They have 14 elephants that they keep all night, every night, in a barn about as large as this room, chained all four legs, all night long. They can't move. They can't walk. They stand in their own urine and feces all night long and then they are let out into even smaller pens in the morning.

That is abuse. That is abuse for an animal who in the wild will walk 20 to 40 miles a day. I asked the gentleman how often he takes them out for exercise? He said, "They get it here in the pens and if I think they need it, I might take one out at a time for a little walk around here." That is abuse. We talked about the different types of abuse that are seen in the hearing.

There were a couple of people in the hearing who said during the work session that they were upset because somebody who came here hid the fact that she was PETA. She was from PETA. She works for PETA. She also works for the humane society. She also works for several other animal rights groups. Do we kill the bill because we don't like the clothing that the messenger is wearing? I don't think so. That was one person. She had an important message to convey about abuse.

There was also another gentleman who showed up who was not from PETA and you have a letter that he wrote that was distributed to you, Blaine Doyle, who works for the Palm Bay County Police Department in Florida. It is a city about the size of Portland. This is a police officer who has been shot, shot at, shot people, been involved in a plane crash. This guy has had so much bad luck, I didn't want to be in the same building as him. By his own words, one of the most dramatic events that he has ever been involved in was a rampaging elephant that he had to shoot. He talks about it. He goes around the country now talking about it. Ladies and gentlemen, there is not a police department in the State of Maine, or in any state for that matter, who is equipped and prepared to deal with an event like that. The police in Palm Bay put over 90 rounds into the elephant.

People stood by and watched. Children stood by and watched and the elephant's brains were shot out of its head.

The circus says that they teach. I have been to the circus. I have never once received so much as a card telling me any information about any of their animals. They say that they need these animals there so that our inner-city children can see them. That, ladies and gentlemen, I would say is counterfeit logic. It just doesn't hold water. That dog doesn't hunt. If we want to follow that logic, there are nationalities of people that we have never seen, but surely we don't go into the jungle, tranquilize their mothers, chain them up, bring them here, dress them in tutus and cute hats and have them entertain us. The last time we came close to that, we had a civil war to end it.

A couple of weeks ago I heard Representative Rosen talking. One of the things he talked about, he said, that sometimes when things are so horrific, we have to turn away. About a month ago I distributed a video to you folks. It was seven minutes long. Immediately afterwards several people took that video and watched it and they stopped laughing about the bill. Many people have come to me since then and said that they watched it and it was horrible. I couldn't look at it. I would say, men and women of the House, if you watched that video for seven minutes, that is all it ran, and you didn't turn away or you didn't at least once say, that is awful, or you watched it and it didn't bother you, then by all means vote against this bill. If you watched it and it bothered you, then you need to support the pending motion. It is very real. There are dangers involved. The police officers Blaine Doyle talked about are very real. I posed the question at the hearing on this bill, can the circus industry guarantee us that when they come into our state the elephant won't rampage and our children will be safe, never mind riding on the animal, just safe sitting there watching that good fun, family, educational entertainment? Can they guarantee us that? They said no. They can't guarantee that. The rate at which these animals are now rampaging and killing people is escalating at a staggering rate.

Ringling Brothers were the group that came. They don't even come to Maine. Ringling Brothers Barnum and Baily does not come to Maine. It is Clyde Beatty who comes for the Shriners. It is an organization that has been cited by the USDA over 100 times in the last seven years for mistreating their animals. We heard about the slippery slope in the committee.

Ladies and gentlemen, I would like one person to stand up and tell me one bill that we have voted on here that we had to vote one way or the other because we had voted that way on another bill. What a terrible excuse, the slippery slope. That dog doesn't hunt either. It doesn't work. The argument doesn't work. We had a gentleman that wrote in the Bangor paper, the head of the Shriners. He said, "If we ban elephants this year, then singing parakeets will be next." Now, I am sorry, but I am sorry with the fact that we have over 3,000 bills we are looking at and each and every one of them are getting a fair public hearing. I don't see anybody introducing a bill that is going to ban singing parakeets. I heard somebody say that if we do elephants this year, it will be beef cows at the Fryeburg Fair next year. I say that is just as absurd. I am very proud of our agricultural fairs and what they do and how they treat their animals. I would say to you that anybody who has watched this video, can verify this. If for a moment anybody at one of our state's agricultural fairs treated their animals the way that these animals were treated, their peers would stop them. I didn't include on the video that you received and for those of you who did watch it and came

back to me and say how horrible it was, I didn't include, but I have it here the surveillance video that was taken eight months ago that shows four trainers chaining an elephant down because the women for Ringling Brothers don't like to ride on the backs of the elephant because the hair is so bristly it runs their nylons. These four trainers chain the elephant down and they use a blow torch to remove the hair. It is right here. If anyone would like to see it, I would be happy to share it with you. I didn't think it was very appropriate to add on that video. Some of you watched it with your children or tried to.

We have the cruelty aspect, but ladies and gentlemen, the very real thing that we need to look at with this bill and you need to ask yourself, can you vote against this bill knowing that there is a very real possibility because the numbers are climbing at a staggering rate? Can you vote against this bill with the thought in your head that next year, next month, a circus is coming to town and the possibility of one of these animals, a 10,000 pound animal, could rampage and kill a child in this state? Could you vote against it knowing that that could happen? I don't see how you could. I certainly can't. I hope that you will follow my light on this. Thank you Mr. Speaker.

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

Representative KOFFMAN: Mr. Speaker, Ladies and Gentlemen of the House. It is entirely possible that in this century we will lose elephants, tigers and gorillas, many of our large land animals on the planet. It is hard to imagine that when I was a little body, 10 years old, I thought when I grew up I was going to go to Africa and look at the wildlife on the Serengeti and visit other parts of the world and see the wildlife in its natural habitat sustaining itself. It is very possible that in my remaining years we will see some of those species disappear. The trend isn't good. It seems to me that to prevent the loss of these species on the planet, our species is going to have to live up to a much higher ethical standard and recognize our obligation to the rest of the creatures that share this lonely planet. How we treat the last of our species is how we will be measured. Those in captivity should be treated with respect. We know that from the record of our incidence in circuses that elephants are not getting that kind of ethical treatment and respect. Consequently, it seems to me that we have to live up to a higher standard and that should be expressed in this instance. If we can't do it in this instance, we can't do it for the creatures in the wild. I am going to speak against the Majority Report on the basis of ethics, on the basis of public safety and because about 30 of my constituents have written me. I have gotten petitions from 17 of them. I probably heard from about 30 or 40 people now. My wife wouldn't let me come home tonight if I didn't. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Agriculture Committee that heard all the testimony going into the bill. I had in mind an idea, like the Representative Muse indicated, that it probably was a joke. I could go on about all the other stuff. One reason I voted with the bill is the fact that an elephant's skin is more sensitive than mine. I know what kind of a beating I can take. That, alone, was the reason that I support the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I just want to make sure that everybody understands

exactly what they are voting on when they vote on this particular issue. It has to do with display and what it means. The prohibition is a person may not knowingly make available an elephant for use in a display or the purpose of allowing an individual to ride that elephant. Now, display is defined and is prohibited. It means an exhibition, an act, a circus, a public show, a trade show, a photographic opportunity, a carnival, a parade, a petting zoo, a race, a performance or similar undertaking by any traveling exhibition in which an elephant is required to perform tricks, fight or participate in a performance for the amusement or entertainment of an audience. It is very specific as to the definition of display. I just want to make sure that everybody understands what they are voting on. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. What you have heard is fairly graphic. It probably is true. However, the humane treatment of animals, particularly elephants, has risen over the last few years. Many of these instances that you heard about are isolated ones. There is been no spectator ever killed by an elephant. There has been nobody who has ever ridden on an elephant and been killed by such a ride.

Some other things you ought to know, the elephants that we are talking about are Asian elephants. They are on the endangered species list. It is very difficult to get these elephants into the United States anymore. On top of that, there are some owners of elephants that are making an effort to reproduce this animal in this country. What you hear sounds bad, but not everything is bad. This bill could also refer to somebody's pet, for example. There are more dogs that have killed people than elephants ever have and yet we have dogs. There are chickens who sit in cages all day long for all of their life laying eggs. There are very many other animals which provide us goods and services, which are probably treated worse than the elephants are. I would prefer that you give this thing some thought before you vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. Some years ago I had the privilege of visiting an elephant orphanage in Sri Lanka. On one of the most memorable days of my life, I was surrounded by some two dozen small elephants of differing sizes, but many as small as my dog. These playful small animals tugged at my arms with their trunk. They did so because in the absence of a mother, they had no large animal with a tail to cling onto.

I just want to make a couple of brief points. The Indian elephant, which is indeed today almost entirely a domestic animal, is valued very highly in the traditional societies of South Asia. It is valued very highly because of its value for work in logging camps and as a draft animal. As a highly valued animal, it is treated with great respect and great affection by its owners and its handlers. They know that an abused animal can run amuck and must be destroyed with the loss of value. They know that abused animals will not reproduce. The role of those domesticated animals can be thought of as similar to that of horses in Maine 100 years ago. I am convinced based on my very limited personal experience with elephants that they are indeed very highly intelligent animals. They are sensitive to pain and sensitive to abuse, at least as much as any horse or dog.

I support the good Representative from South Portland, not from any particular obsession with animal rights, but out of respect for an animal, which in its own way is our equal or perhaps better. It certainly deserves better from us. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. One of the issues we heard was the fact that this is for the children, to expose children to these animals. I have a number of letters from the children in my district. With the permission of the House, I would like to read one short letter into the record. This is from a young man in Harrison, one of the towns I represent. This is what he says in his letter. "Dear Representative Waterhouse, My name is Sam McCausland. In my class we talked about what is happening in the US. One day my teacher told me about the elephant crisis and we were concerned. We decided to write letters to you. I think it should be made a law to ban elephants from circuses in Maine because it is just not right to whip and beat innocent animals. For instance, put yourself in their position. I don't think you would like it. If we don't take action, elephants might soon be extinct. When my dad went to Africa, he videotapes his trips. He videotaped cheetahs, rhinos and stuff like that. Then I saw elephants and they looked so happy. Then I remembered my trips to the circus and they looked sad. I hope you see my point. Elephants are born free and are meant to live free. Sincerely, Samuel R. McCausland." Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to make a couple of extra points, which have not been brought up. The fact that other animals may be treated worse than elephants does not give me comfort and I don't think it does you. Our committee deals yearly with animal welfare issues. As abusive situations occur, we try to address them. Animal welfare is extremely important in a caring society and has, in fact, a close connection that we now know in education with violence, domestic violence, domestic violence and its connection to early childhood attitudes toward animals. Children who are taught to care for and to respect animals grow up to be adults who care for animals, children and all living things and have respect for those things. Elephants are animals. Listen to the children. You and I didn't know this, I know that in our committee it is very hard when our elders come and speak of the importance of the animals, especially the elephants, to a small traveling circus. Remember, that was then and this is now.

Our children have educated us about the rainforest and now it is a part of our understanding of ecology. Our children have educated us about many environmental issues. It is in their science books today. You take a can of oil and you pour it down into the driveway and you go off and forget it. They don't have things like that in our books anymore. They are taught about the interdependence of life. They know a lot about alcohol that we either don't know or refuse to know. They know a lot about other cultures, Native peoples. They don't necessarily say the same things about those cultures and some of them continue to do so. This has been an educational experience for the children of Maine who have been exposed to this issue thanks to Representative Muse.

If you can believe what we have told you, I think the ethical decision to make is to vote for the Minority Ought to Pass Report. I urge you to do that.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I have sat here and listened to this debate and when I was, I was thinking back. I remember I was brought up on a dairy farm when they used horses. We had a neighbor at that time who abused his horses. The other farmers got together and reported that man. We were taught as children that you take good care of your animals. You don't tease them. You don't beat them and we were taught to respect that animal. Even at that time, those gentleman's horses were taken away from him and he was never allowed to own an animal again. If we would do that for a horse, which was the right thing to do, why would we allow an elephant to be abused in this state either? I just cannot believe that we will vote here today to let some of this abuse go on. Taking a blowtorch to any animal, I don't care what animal it is, is wrong. I will be voting with the good Representative from South Portland.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say a few words about an industry in Maine, the Maine Fairs, and relate to you some of my experiences. First off, I will say as an individual my first memory of an elephant, I was in my father's arms, it was raining something terrible and we were at Bay Side Park in Portland, Maine. For some of you, that was a number of years ago. He had purchased a small brown bag of peanuts. I had them in my hand and my first memory of an elephant was when the trunk came over my father's shoulder and was trying to get something from the paper bag. I will say in the case of Muriel and I and our children who grew up on the family farm in Lebanon where there were many animals. We also had an occasion to have them know what an elephant looked like. We didn't have any concern about some elephant getting out of control. Wherever we went with the children, and there were elephants there, they were well managed.

I will say to you this morning that I am speaking as President of the Maine Association of Agricultural Fairs, 24 in number and two not registered. Here this morning I don't believe there is anyone here in the House, I am not trying to make this a big point, but for a number of years I evaluated Maine Fairs for the Department of Agriculture in a number of categories, safety, care of animals. I will say that the Department of Agriculture in Maine is well grounded and observing in the care and attending to reports of abuse to animals in the State of Maine. I will also say that my experience evaluating fairs, in one of the categories that that person would have, was to bring to the attention of the people in charge of things that were not proper in the handling of animals. I will also say that at the Maine Fairs where there is pulling, that it is mandatory that a person licensed as a pulling superintendent must be there. This is followed to the letter. I happen to have one of licenses. I understand the process. I have no doubt in my mind, as the good Representative just mentioned from Berwick, and I have seen this during my life where animals were not being properly care for or abused, the neighbors would take care of the situation to a satisfactory end.

I had the opportunity to listen to some of the testimony when this bill was being considered before the Agriculture Committee and having had animals all my life, for various purposes, and the fact that I take part in racing horses, I have the privilege to be

able to drive one myself when I so desire. This industry is well covered by people watching for abuse. What I would like to say to you folks here this morning is that here in the State of Maine from my experience, I believe any animal will be well cared for if they are housed, on display or they are performing in whatever category. I would ask you sincerely, this morning, to not support the Minority Report. Thank you. Mr. Speaker, when the vote is taken, I would ask that it be done by the yeas and nays.

Representative CHICK of Lebanon REQUESTED a roll call on the motion to ACCEPT the Minority Ought 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 South Portland, Representative Muse.

Representative MUSE: Mr. Speaker, Men and Women of the House. I don't want to drag this on. I wanted to rise and thank my friend, Representative Chick, for so appropriately pointing out why there is no slippery slope here. The men and women in our state's agricultural fairs do take extraordinary care of their animals. They don't chain them down on the ground and beat them. They don't burn them with blowtorches. They take good care of them. I thank you Representative Chick for pointing that out. The care that they do receive in our state's agricultural fairs is exactly why there is no slippery slope here. I would just like to correct one point that was made a while ago, that the circus industry is trying to breed these elephants to help them, help their numbers. Surely the circus industry is trying to breed these elephants to help their numbers, their being the circuses profit numbers. I would like to point out that the only circus that is trying to breed them is Ringling Brothers who for 10 years have had a breeding facility in Florida in Polk County, which has produced a total of four elephants. Of the 180 plus elephants that are performing in this country today, 140 of them were taken from the wild. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 36

YEA - Andrews, Annis, Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bowles, Brooks, Buck, Bull, Bumps, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Haskell, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, MacDougall, Marley, Marrache, Matthews, McGlocklin, McKee, McLaughlin, McNeil, Michael, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Trahan, Tuttle, Twomey, Volenik, Waterhouse, Watson, Mr. Speaker.

NAY - Belanger, Berry DP, Bouffard, Bruno, Carr, Chase, Chick, Clark, Clough, Collins, Cressey, Dugay, Duncan, Dunlap, Duprey, Fisher, Foster, Goodwin, Gooley, Hawes, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Landry, Lessard, Lundeen, Mailhot, Mayo, McDonough, McGowan, McKenney, Mendros, Morrison, Nass, Nutting, Perkins, Perry, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Smith, Stanley, Stedman, Tobin D, Tobin J, Tracy, Treadwell, Usher, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Brannigan, Bryant, Lovett, Madore, Michaud.

Yes, 88; No, 58; Absent, 5; Excused, 0.

88 having voted in the affirmative and 58 voted in the negative, with 5 being absent, and accordingly the Minority Ought to Pass Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Friday, March 30, 2001.

---

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-56)** on Bill "An Act to Provide Additional Resources to the Oxford County Fair Society"

(H.P. 831) (L.D. 1103)

Signed:

Senators:

KNEELAND of Aroostook  
NUTTING of Androscoggin

Representatives:

McKEE of Wayne  
HAWES of Standish  
LUNDEEN of Mars Hill  
PINEAU of Jay  
GOOLEY of Farmington  
FOSTER of Gray  
JODREY of Bethel

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

Signed:

Representatives:

VOLENIK of Brooklin  
LANDRY of Patten  
CARR of Lincoln

**READ.**

On motion of Representative McKEE of Wayne, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-56)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 30, 2001.

---

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

GREEN of Monmouth  
STANLEY of Medway  
GAGNE of Buckfield  
PERRY of Bangor  
McGOWAN of Pittsfield  
McLAUGHLIN of Cape Elizabeth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-57)** on same **RESOLUTION**.

Signed:

Senators:

LEMONT of York  
KNEELAND of Aroostook

Representatives:

MURPHY of Berwick  
BUCK of Yarmouth  
BUMPS of China  
BOWLES of Sanford

**READ.**

Representative GREEN of Monmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her 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. 196) (L.D. 668) Bill "An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 266) (L.D. 913) Bill "An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)**

(H.P. 155) (L.D. 166) Bill "An Act to Provide Free Commercial Shooting Area Licenses For Seniors" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-58)**

(H.P. 269) (L.D. 347) Bill "An Act to Amend Certain Provisions of Maine's Wild Turkey Hunting Season" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-59)**

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

---

(S.P. 265) (L.D. 912) Bill "An Act to Amend the Harness Racing Laws to Provide for Staggered Terms" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)**

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-19)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-19)** and later today assigned.

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

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

(S.P. 33) (L.D. 131) Bill "An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses" (EMERGENCY)

(H.P. 522) (L.D. 677) Bill "An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers" (EMERGENCY) (C. "A" H-53)

(H.P. 815) (L.D. 1070) Bill "An Act to Require Background Checks for Adoptions" (C. "A" H-54)

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 AS AMENDED** and sent for concurrence.

---

**BILLS IN THE SECOND READING**  
**Senate**

Bill "An Act to Establish a Cold Case Homicide Squad"  
(S.P. 570) (L.D. 1743)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED** in 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:

**SENATE PAPERS**

Bill "An Act to Implement Maine's System of Learning Results"

(S.P. 582) (L.D. 1760)

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.

---

On motion of Representative PINEAU of Jay, the House adjourned at 12:12 p.m., until 11:30 a.m., Friday, March 30, 2001.