

# 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  
31st Legislative Day  
Wednesday, April 4, 2001

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

Prayer by Colonel Muriel MacKenzie, Salvation Army, Old Orchard.

National Anthem by Wescustago Youth Chorale, North Yarmouth.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 589)

**JOINT RESOLUTION MEMORIALIZING CONGRESS  
AND THE  
UNITED STATES DEPARTMENT OF  
TRANSPORTATION TO  
STUDY THE SUFFICIENCY OF WEST-EAST  
TRANSPORTATION LINKS**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States and the United States Department of Transportation as follows:

WHEREAS, on January 1, 1994, the United States of America joined with Canada and Mexico in creating a hemispheric trading zone; and

WHEREAS, NAFTA recognized the importance of efficient international transportation throughout North America as an integral element to a healthy economy; and

WHEREAS, Congress has recognized the importance of international corridors and border crossings in the Transportation Equity Act for the 21st Century; and

WHEREAS, Atlantic Canada, northern New England, upstate New York, Quebec and Ontario comprise the northeastern portion of North America; and

WHEREAS, the northeastern region is developing closer ties; and

WHEREAS, west-east travel in the northeastern region is difficult and dangerous; and

WHEREAS, the people of the northeast region deserve transportation systems that will permit them to travel safely and efficiently and to sustain their families and communities through safe and efficient regional transportation links; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully urge and request that the Federal Highway Administration of the United States Department of Transportation study the sufficiency of the transportation links on west-east axes from Halifax, Nova Scotia through Maine and Quebec to the Windsor, Ontario-Buffalo, New York region and from Halifax, Nova Scotia through Maine, northern New Hampshire and Vermont and eastern and central New York to the Windsor, Ontario-Buffalo, New York region; and be it further

RESOLVED: That this study evaluate the economic potential of the northeast region without significant changes in its transportation infrastructure, and then evaluate the economic potential of the northeast region with significant changes in its

transportation infrastructure, including such factors as safety of transportation, efficiency of transportation, proximity to European and central North American markets and points of production; and be it further

RESOLVED: That the Federal Highway Administration of the United States Department of Transportation conduct this study with Canada and any other governmental agency or agencies Canada may designate to participate in this study, including, but not limited to, Transport Canada; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Department of Transportation, the United States Department of Commerce, Transport Canada, Foreign Affairs and International Trade Canada, Citizenship and Immigration Canada, Revenue Canada and to each Member of the Congressional Delegations of New Hampshire, Vermont, New York and Maine.

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

READ and REFERRED to the Committee on TRANSPORTATION in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 154)

**STATE OF MAINE  
120TH LEGISLATURE**

April 2, 2001

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to our authority under Title 5 Part 18-A Chapter 385 § 13122-C, we have appointed State Senator Edward Youngblood of Brewer and State Representative Rosita Gagne of Buckfield as ex officio members of the Board of Directors that Governs the Maine Science and Technology Foundation.

Should you have questions regarding these appointments, please do not hesitate to contact us.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 155)

**STATE OF MAINE**

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

March 28, 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. 1141 An Act to Clarify the Sale of Farm-produced Foods

We have also notified the sponsor and cosponsors of each bill listed 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.**

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The Following Communication: (H.C. 156)

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

March 28, 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. 666 An Act to Amend the Law Governing the Governor Baxter School for the Deaf

We have also notified the sponsor and cosponsors of each bill listed 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.**

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The Following Communication: (H.C. 157)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

March 28, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 81 An Act to Further Encourage the Creation of Private Purchasing Alliances

L.D. 275 An Act to Create Purchasing Alliances of Small Businesses In Order to Purchase Health Insurance

L.D. 726 An Act to Clarify the Medical Payments Subrogation Statute

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

Sincerely,  
S/Sen. Lloyd P. LaFountain III  
Senate Chair  
S/Rep. Christopher P. O'Neil  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 158)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

March 29, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 91 An Act Regarding Notice to the Secretary of State When a Motor Vehicle Insurance Policy is Cancelled

L.D. 158 An Act to Provide Insurance Plan Coverage for Small Employers

L.D. 235 An Act to Lower the Cost of Health Coverage

L.D. 452 An Act to Assist Individuals in Obtaining Catastrophic Insurance

L.D. 778 An Act to Require Health Insurance Companies to Provide Advance Notice of Cancellation

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

Sincerely,  
S/Sen. Lloyd P. LaFountain III  
Senate Chair  
S/Rep. Christopher P. O'Neil  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 159)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

March 28, 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 Business and Economic

Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 341 An Act to Appropriate Block Grants to Promote Regional Tourism
- L.D. 547 An Act to Provide Support for Impoverished Communities for Economic Development
- L.D. 924 Resolve, to Grant an Exception for Inspections of Low-use Elevators
- L.D. 1299 An Act to Amend the Laws Governing the Licensure of Dental Hygienists

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

Sincerely,  
S/Sen. Kevin L. Shorey  
Senate Chair  
S/Rep. John G. Richardson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 160)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

March 28, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 508 An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs
- L.D. 861 An Act to Criminalize Failure to Complete Contracted and Paid for Work by a Building Contractor
- L.D. 903 An Act Concerning the Cost of Training County Corrections Officers
- L.D. 956 An Act to End Internet Crime
- L.D. 993 An Act to Expand the Number of Persons Who May Be Appointed Sheriff or Become a Candidate for Sheriff
- L.D. 1069 An Act to Amend the Laws Pertaining to Juvenile Offenders
- L.D. 1077 An Act to Protect Maine's Elderly from Theft and Fraud
- L.D. 1087 An Act to Create the Crime of Fleeing from a Motor Vehicle Stopped by Police
- L.D. 1098 An Act to Increase the Crime Classification of the Crime of Misuse of Identification
- L.D. 1159 An Act to Increase Effectiveness within the Department of Corrections when Serving Warrants of Arrest for Persons Charged with Probation and Parole Violations
- L.D. 1190 An Act to Criminalize the Unauthorized Use of Food Stamp Devices

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

Sincerely,  
S/Sen. Michael J. McAlevey  
Senate Chair  
S/Rep. Edward J. Povich  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 161)

**STATE OF MAINE**

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

March 28, 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 bills out "Ought Not to Pass":

- L.D. 627 An Act to Expand the Definition of School Construction to Include Renovation and Expansion of Existing Facilities
- L.D. 1163 An Act to Accelerate the Construction of New Schools
- L.D. 1263 An Act to Increase the Number of Students Eligible for Free Tuition in the University of Maine System
- L.D. 1312 An Act to Eliminate the \$1,000,000 Cap Eligibility Requirement for the School Revolving Renovation Fund
- L.D. 1377 An Act to Credit a Town for Payment from Local Funds for School Construction
- L.D. 1474 An Act to Provide Students Tuition Grants Based on Performance on the Maine Educational Assessment
- L.D. 1636 An Act to Increase Funding Alternatives for Small School Construction Projects

We have also notified the sponsors and cosponsors of each bill listed 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.**

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The Following Communication: (H.C. 162)

**STATE OF MAINE**

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

March 28, 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. 173 Resolve, Directing the Department of Human Services to Amend the Rules Regarding Congregate Housing
- L.D. 419 An Act to Provide Information to Providers of Child Care Regarding Business Support
- L.D. 549 Resolve, to Improve the Accessibility of Nursing Facility Services for Consumers with Chronic Conditions
- L.D. 558 An Act to Add 75 Residential Care Beds Under the Medicaid Program
- L.D. 864 Resolve, Directing the Children's Cabinet to Coordinate the Compilation of a Resource Guide to Assist Crisis Intervention Centers to Help Runaway Youth
- L.D. 1124 Resolve, to Promote More Flexible Use of the Long-term Care Workforce
- L.D. 1216 Resolve, to Create the Task Force to Study the Various Effects of Maine's Long-term Care System
- L.D. 1240 Resolve, Concerning Consumers of Long-term Care Services Who Have Chronic Conditions that Change
- L.D. 1344 Resolve, Establishing the Blue Ribbon Commission to Review Foster Care and Adoption Systems in the State
- L.D. 1431 Resolve, to Establish a Commission to Examine Methods to Ensure the Safety of Children and Families

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. 163)

**STATE OF MAINE  
 ONE HUNDRED AND TWENTIETH LEGISLATURE  
 COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 28, 2001  
 Honorable Michael H. Michaud, President of the Senate  
 Honorable Michael V. Saxl, Speaker of the House  
 120th Maine Legislature  
 State House  
 Augusta, Maine 04333

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

- L.D. 75 Resolve, Directing the Department of Inland Fisheries and Wildlife to

- L.D. 105 Establish a Preference Point System for the Moose Lottery
- L.D. 200 An Act Concerning the Banding of Game Birds
- L.D. 514 An Act to Allow the Stocking of Hungarian Partridge
- L.D. 596 An Act to Require Public Access to All State Waters
- L.D. 625 An Act to Expand Youth Conservation Education Programs
- L.D. 648 An Act to Compensate Citizens When Property is Seized Wrongfully and Damaged BY REQUEST
- L.D. 675 An Act to Increase the Period of Ineligibility for the Moose Lottery to 5 years
- L.D. 799 Resolve, to Establish Rules for On-line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobile and All-terrain Vehicle Registrations
- L.D. 1279 An Act to Amend the Authority of the Commissioner of Inland Fisheries and Wildlife to Authorize Any-deer Hunting
- L.D. 1604 An Act to Require Hikers to Wear Blaze Orange during Hunting Season

An Act Concerning Moose Hunting Permits for Elderly Hunters

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

Sincerely,  
 S/Sen. David L. Carpenter  
 Senate Chair  
 S/Rep. Matthew Dunlap  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 164)

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

March 29, 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 bills out "Ought Not to Pass":

- L.D. 851 An Act to Prohibit the Recording of Private Telephone Conversations Without Consent
- L.D. 1195 An Act to Strengthen Penalties for Minors Displaying False Identification

We have also notified the sponsors and cosponsors of each bill listed 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.**

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The Following Communication: (H.C. 165)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON LABOR**

March 28, 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. 121 An Act Raising the Minimum Wage  
L.D. 691 An Act to Allow Unemployment Recipients to Declare Estimated Income for Part-time Work  
L.D. 804 An Act to Transfer Health Insurance Eligibility to the Spouse of a Deceased Teacher  
L.D. 1247 An Act to Increase the Minimum Wage in Maine  
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.**

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The Following Communication: (H.C. 166)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 28, 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. 520 An Act Concerning Small Breweries That Are Licensed to Serve Liquor on Premises  
L.D. 1035 An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality  
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.**

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The Following Communication: (H.C. 167)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON MARINE RESOURCES**

March 28, 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. 834 An Act to Amend the Laws Pertaining to Fishing Near Floating Equipment BY REQUEST  
L.D. 965 An Act Relating to Daily Catch Limits for Scallops  
L.D. 1374 An Act to Create the Maine Soft-shell Clam Advisory Council  
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.**

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The Following Communication: (H.C. 168)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 28, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Michaud and Speaker Saxl:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":  
L.D. 522 An Act to Hold Persons Incarcerated in County Jails Accountable for Certain Costs Associated with Their Incarceration  
L.D. 529 An Act to Create the Office of Ombudsman  
L.D. 837 An Act to Require that the State Put Out to Open Bid the Phone Card Plan  
L.D. 848 An Act to Establish the Patricia A. Bailey Memorial  
L.D. 982 An Act to Promote Efficiency in County Government in the Androscoggin County Budget Process

L.D. 1038      Resolve, Requiring the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to Establish a Permanent Statewide Intergovernmental Advisory Commission

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

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

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 169)

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

March 29, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

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

L.D. 568      An Act to Improve Local Governmental Unit Access to Bulk Purchasing  
L.D. 899      An Act to Expand the Laws Pertaining to Accessibility for Persons with Physical Disabilities  
L.D. 1116     An Act to Honor Maine's French Heritage

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

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

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 170)

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

March 28, 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. 408      An Act to Expand the Jurisdiction of the Maine Turnpike Authority to Include an East-west Highway

L.D. 411      An Act to Enforce the Speed Limit at Toll Plaza Approaches on the Maine Turnpike

L.D. 933      Resolve, to Create the Commission to Study Abolishing the Maine Turnpike Authority

L.D. 1120     Resolve, to Direct the Secretary of State's Office to Institute an Organ and Tissue Donor Registry

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.**

The Following Communication: (H.C. 171)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 29, 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. 892      An Act to Alleviate Heating Prices  
L.D. 959      An Act to Change the Assessment for Sprinkler Systems to a Per-use basis

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.**

**ORDERS**

On motion of Representative THOMAS of Orono, the following Joint Resolution: (H.P. 1297) (Under suspension of the rules, cosponsored by Senator RAND of Cumberland and Representatives: BAKER of Bangor, BLANCHETTE of Bangor, BRANNIGAN of Portland, CUMMINGS of Portland, DUDLEY of Portland, MARLEY of Portland, McDONOUGH of Portland, NORBERT of Portland, NORTON of Bangor, PERRY of Bangor, QUINT of Portland, Speaker SAXL of Portland, Senators: ABROMSON of Cumberland, CATHCART of Penobscot, SAWYER of Penobscot)

**JOINT RESOLUTION COMMEMORATING THE TENURE OF  
JAY P. MCCLOSKEY AS UNITED STATES ATTORNEY  
FOR THE DISTRICT OF MAINE**



WHEREAS, Jay P. McCloskey has served as the United States Attorney for the District of Maine since 1993 and as an Assistant United States Attorney from 1980 to 1993; and

WHEREAS, Jay P. McCloskey has served the Nation and the State with extraordinary dedication, skill and integrity; and

WHEREAS, with extraordinary leadership and strong management, Jay P. McCloskey has directed and overseen all aspects of litigation conducted by 16 criminal, 4 civil and 2 appellate Assistant United States Attorneys for the District of Maine; and

WHEREAS, Jay P. McCloskey has managed 22 attorneys and 35 support staff located in offices in Portland and Bangor; and

WHEREAS, in addition to his administrative duties, Jay P. McCloskey has personally litigated select criminal cases, including U.S. v. Brown and Teeter, an interstate domestic violence and kidnapping case that resulted in 2 homicides; U.S. v. Platt, et al., the first Hobbs Act case in Maine; U.S. v. Boots, et al., an 8-defendant, public corruption, RICO, wire fraud and money laundering case; and U.S. v. Barnes, et al., a 10-defendant, million dollar interstate transportation of stolen computer chips, money laundering and financial structuring case; and

WHEREAS, Jay P. McCloskey has earned national recognition as evidenced by his selection as one of 15 United States Attorneys to serve in an advisory capacity to Attorney General Reno and as the recipient of numerous awards including the United States Drug Enforcement Agency Education Award in 1988, the Office of the Inspector General's Integrity Award in 1991 and the United States Customs Service Commendation for Outstanding Support to Enforcement Efforts in 1995; and

WHEREAS, Jay P. McCloskey has participated in legal issues forums and served on advisory committees and scholarship committees and is a leading authority on federal sentencing guidelines; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this opportunity to honor Jay P. McCloskey and to extend our heartfelt congratulations in recognizing his distinguished career as the United States Attorney for the District of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Jay P. McCloskey on behalf of the People of the State of Maine.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Thomas.

Representative THOMAS: Mr. Speaker, Men and Women of the House. It is a special person who can look back on their careers and say that they have dedicated a part of their life to the good of an entire population. It is rare, Mr. Speaker, to be able to say that everyday that you were there, you went to work doing the work of the people and honestly made someone's situation in their life a little bit better. Jay McCloskey, however, can say both of these things with a certainty that few others can. He has been, and truly remains to be, a valuable asset to our state. First as a member of this body and later as an Assistant US Attorney and since 1993, as the US Attorney. Jay has served the people of Maine in different capacities, but always with the same energy and devotion. Throughout his tenure as US Attorney, he has

displayed a knowledge and skill that has set him apart from his colleagues. From both his offices in Bangor and Portland he has excelled in his litigation and has served justice to every part of Maine. He has waged a war on drugs in this state that few single individuals could ever hope to match. Please allow me to say here that as a brother to a 7 and 11 year old, who are just now beginning to feel the dangers and pressures that school and society have to offer them. I am extremely and genuinely thankful and appreciative to have had such an able warrior.

In addition to receiving the numerous awards listed in the Joint Resolution, he has earned for this state an exceptional level of respect from the entire nation and has set the standards for honor, professionalism and integrity by bringing all of these qualities with him to this office. Every one of us in this room can sincerely say that our streets are safer and lives as Mainers are better because of the work that he has done.

Mr. Speaker, I don't want to sound like this valued and talented public servant is finished forever and never to be heard from again. Quite to the contrary, he has earned all of this at a surprisingly young age and will continue to serve the law and his family in Bangor. I simply want to take this opportunity on behalf of the people of the great State of Maine to convey feelings of gratitude by saying thank you to Mr. McCloskey for the many years he has so willingly given us and to congratulate him on his tenure. Thank you Mr. Speaker.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. I rise as well to lend my voice to the fitting commemoration of the tenure of our terrific United States Attorney, Jay McCloskey. I got to know Jay while clerking in Bangor for the US Magistrate Judge, now retired, Jean Beaulieu. Together with the terrific staff at the courthouse and with Mr. McCloskey's terrific Assistant US Attorneys, I saw that justice was being done and that a lot of good work for the people of Maine was being done and always with a great amount of integrity and responsibility and judgment and very measured and responsible approach to matters of justice, both criminal and civil. Jay, it is hard to believe that he has been working in that office since 1980 and that he has been our US Attorney since 1993. The time has flown by. I think part of that reason is the office has been in such good hands. We have become accustomed to knowing that there is someone there fighting for Maine people. I know the good Representative from Orono, Representative Thomas's mother works at the federal courthouse. I got to work with her there. I know there is a great amount of feeling, an affection, for Jay, because of the way he comported himself and because of the way he treated all from staff to defendants. I just want to offer my voice in congratulating Jay for his tenure. I know he is moving on to other things. I know the office will continue to be in very good hands. Many of us feel that it would have been in very good hands as well had my counterpart on the other side of the aisle been chosen. We know it is going to continue in good hands. In large part, Jay, you have set a terrific example. We are really going to miss you. We thank you.

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

Representative SCHNEIDER: Mr. Speaker, Men and Women of the House. I, too, would like to add my voice to those who are paying respects to Jay McCloskey today. As a state drug prosecutor, I worked frequently with Jay McCloskey. We were

an effective federal state team against the scourge of drugs in Maine. I remember particularly one case that started as a fairly small case in Maine. It started with us having some undercover drug agents who bought some heroin in Maine and we traced the heroin back to its source in Lowell, Massachusetts. We tracked down where the heroin was being manufactured and packaged. We did an inter-state cooperative operation and we ended up doing search warrants on 12 locations simultaneously and shutting down a big heroin distribution operation that was providing a good part of the heroin that came to Maine. That couldn't have happened without the cooperation of the federal government and the state government working together to fight trafficking of drugs. I would like to add my voice to those praising Jay McCloskey and to say that I am confident that the office will continue in good hands as time goes on. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. I am proud to stand today and say that Jay McCloskey is a constituent of mine in Bangor. I don't believe there is any question about the strong role he played as US Attorney. I think everyone recognizes the terrific job he did. What really strikes me the most about Jay McCloskey is his personal commitment to the people of Maine and the willingness he has shown on his own time to organize a group in Bangor to fight the heroin and opium addiction. He has seen, as I think most of us have, the terrible toll that heroin and opium addictions are taking on the State of Maine, particularly Bangor, down east and on the coastline. He has been a leader. He has been committing a lot of his own time and energy out of what I am sure is very busy schedule to draw the attention to the problem, bring the community together and look for a good commonsense approach to fight this problem. I am proud today to stand and I am proud that we are recognizing Jay. I just want to say congratulations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House. The State of Maine is losing a real friend in the resignation of Jay McCloskey. Jay blew the whistle in this state on the problem with oxycontin, which has now, as I understand it, been removed from the pharmacy shelves because of the horrifying abuse of that drug. Jay has fought against a Methadone Clinic in Bangor. He believes, through his research, that there is a better way to treat heroin addiction. The state has pushed that clinic. I believe that clinic is opening up, Bangor, its citizens are not convinced that this is the best way. We believe that a therapeutic approach coupled with different drugs, drugs that do not simply substitute one addiction for another is a wiser way to go. We have Jay McCloskey to thank for his commitment, his dedication, his dedication, his willingness to swim against the tide. I believe that in the end he will be justified in the approach that he has taken. Thank you, Jay.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to offer praise for Jay McCloskey's service to not only the citizens of the immediate Bangor area, but to the citizens of Maine. Through the last year and a half, Jay McCloskey and I have been on opposite sides of a very contentious issue. All through this time, he has offered with great dignity and poise leadership that has brought

information to a council that had to make a very, very difficult decision on a Methadone Clinic within the city limits of Bangor. Without Jay's involvement, his honest open approach to every problem, whether he believed that the city should enter into a Methadone Clinic or not, he was always there laying the honest facts on the table. Jay, your honesty and your concern will be greatly missed by the residents of Bangor. I, as one Representative and one elected official in Bangor, feel very privileged to have known you and to have worked with you very closely through the year. Thank you Mr. Speaker.

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

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. I just simply want to rise to join others in commending Jay McCloskey for a job well done. There were times when he and I were not necessarily on the same side, but we always conducted our discussions and our debates in a very gentlemanly fashion. He has done a wonderful job ranging from the time when I knew him and he worked at the *Bangor Daily News* with me when he was studying in law school. He worked there for a brief period of time. He did a wonderful job. I can't say that much for his years ago ability to play softball on our softball team, but he did a great job at the newspaper and he has done a great job as US Attorney. Thank you Mr. Speaker.

**ADOPTED.**

Sent for concurrence.

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**REPORTS OF COMMITTEE**

**Change of Committee**

Representative GREEN from the Committee on **TAXATION** on Bill "An Act to Enhance Tourism Promotion and Increase State Revenues"

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

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

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

Sent for concurrence.

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Representative GREEN from the Committee on **TAXATION** on Bill "An Act to Eliminate the Tax on Mahogany Quahogs"

(H.P. 838) (L.D. 1110)

Reporting that it be **REFERRED** to the Committee on **MARINE RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent for concurrence.

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**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)** on Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

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

Signed:

Senators:

LONGLEY of Waldo

MARTIN of Aroostook

TURNER of Cumberland

Representatives:

FULLER of Manchester

DUDLEY of Portland

LAVERRIERE-BOUCHER of Biddeford

KANE of Saco

LOVETT of Scarborough

SHIELDS of Auburn

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

Signed:

Representatives:

BROOKS of Winterport

DUGAY of Cherryfield

O'BRIEN of Augusta

NUTTING of Oakland

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House. This is my first time up this year. It is nice looking group from up here. This bill is brought to you by the same folks, who in the last Legislature, convinced us to ban smoking in restaurants. This is the next logical step to help us prevent people from using any tobacco anywhere at anytime. Eventually your garages and your basements will be included as well. Let me be clear, that is not in this bill. We heard testimony from the usual suspects, but also heard from a number of people who operate Beano games. Their testimonies were pretty diverse, but basically can be divided into four groups. There were those who used to allow smoking and no longer do. There were those that used to allow smoking and still do, no change. There were some who used to allow smoking and still do, but have spent thousands and thousands of dollars on equipment to filter the air and then there were my personal favorites. The ones who used to allow smoking, still do and want us to make it illegal. They want us to do that because they are afraid if they stop smoking in their facility, that people will get in their car and go down the road where it is still legal and they will lose business.

I came here to Augusta for a number of reasons, but one of them wasn't to pass laws that gave business courage to make tough decisions. I think that is up to each of them individually. We had testimony too from some regular people. You know the regular people in the public hearings, the ones who were a little nervous and they cry sometimes. They are not always dressed as sharply as we would like. There are no pinstripes. They spoke of the enjoyment they get from getting together with friends and having a smoke and playing a game.

Are they healthier and more important activities that they could be involved with? Absolutely. I suspect that many of your constituents who enjoy this activity don't ski or play golf or go sailing. They are all chem-free activities in their own right, but different from what we might enjoy. This bill will not stop people from having a smoke and playing Beano. They will drive out of the State of Maine or they will sit home alone in front of their computers. This evening if you want, get on the Internet and type in the word Beano or Bingo. You will be amazed to see all the opportunities you can sit in front of your lonely screen and spend your money endlessly. What they will miss, however,

home alone is the socializing, which is something our society, I think, sorely needs more of, not less. Their money will now simply go out of state or out into cyberspace. The charitable and social organizations that depend on the money from these players to do their good work will just have to find something else that the Legislature finds more acceptable.

In closing, no one has a God given right to smoke tobacco and no one has God given right to play Beano, but just maybe what they may have the right to do is to get together voluntarily with people and enjoy an activity, even if the activity police in this building, think they are a danger to themselves and are wasting their valuable time. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. Much of what we will hear around this particular proposal is what we heard around the debate regarding the banning of smoking in restaurants. They were doomsday predictions that businesses would fold and that people would be deprived of their natural rights to gather and enjoy. What we have discovered in the several years since the ban has been in place is that the attendants and the money spent in restaurants has gone up about 30 percent. The restaurants are a healthier place to be. Lo and behold even smokers who felt most initially deprived are now enjoying the benefits of a smoke-free accommodation. We do realize that any prohibition does adversely affect some people and some people's convenience. We also know that right now many people's health, well being and access to the same socialization opportunities are prevented because of the current practices.

The prohibition of smoking in Bingo and Beano halls is an extension of the current state health policy to reduce the adverse affect of carcinogens in tobacco on Maine citizens and particularly those who are involuntarily victims of passive smoke. Beano and Bingo halls are a popular tradition among Maine senior citizens. Many of them are especially vulnerable to the threats to their health that, which exposure to tobacco now presents. We can only imagine the numbers of elderly people who are prevented from participation in Bingo because of smoke exposure. As they become more fragile, many have to give up something that has been an important part of their social life just at a time when socialization becomes an increasingly important part of their life. They have to give it up because their physical condition can no longer tolerate the risk.

As we know now from the banning of smoking in restaurants, Beano hall attendants will flourish and rather than lose revenue, they will likely generate significantly more revenue because people who now stay away because of the smoke will take advantage of a wonderful social event. I compliment Representative Jacobs for bringing this bill forward on their behalf and urge the House to support the Majority Ought to Pass Report. Thank you Mr. Speaker.

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

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

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. I wouldn't want to disappoint anyone

by not getting up and talking on a smoking bill. I am here. It isn't often that I agree with my committee chair about smoking, but there is one thing that he said in his brief presentation a minute ago that I couldn't agree with anymore. He used the word, expansion. Ladies and gentlemen of the House, that is what this is. Here we go again. Now we are taking away rights again. I think we need to take a look at this legislation, seriously, with regard to the fact that this is a situation that involves recreation. People get together in almost every single community. When you drive down the road, I defy you on a Saturday to drive through very many towns where you don't see a sandwich board out by the side of the road that doesn't say Beano or Bingo on it. Every single town that I know of, at least, that is a great way for a candidate to go visit, because that is where most of the people congregate on Friday, Saturday or Sunday afternoon.

If you compare this to a restaurant ban of smoking, you are off the mark. One of the biggest arguments last year was wait staff and how do we prevent them from second-hand smoke. Well, I don't know of very many Beano halls that serve a lot of food and have a lot of wait staff who don't come voluntarily. I think that is a slightly different question. I was opposed last year to this because I thought it was a decision that should be made by the owner or the proprietor and that perhaps we can even talk to some of the wait staff as I did in two restaurants in my district and ask them if they would stay here if there was smoking. They all said yes. By the way, one of those restaurants in the Town of Brooks is closed. It is probably among those very few closed by the restaurant smoking ban. The other one, I go in and talk to the proprietor in the morning before she opens and she is sitting around with her wait staff before the building opens to the public, smoking and making out the days menu. Of course, once the restaurant opens, they stop. Nobody is allowed to smoke in there. Transient traffic has dropped. People who come off Route 1 aren't doing it as often as they used to. They don't stay as long and buy an extra muffin or whatever. We did the right thing or so people say.

I don't think we are doing the right thing here. Again, this is recreation. This is not food. This is not wait staff. This is an expansion. I think we need to start taking a look at where the hula-hoop is taking us. It is now fashionable. It is now the trend. Let's nail the smokers with one more tax. Sure, let's take the smokers and make them not be able to smoke some place. I think we are taking away rights. Watch out, it may be in your own house one of these days, under certain circumstances, that they may try to prevent you from smoking. I hope that you will defeat this motion so that we can move on to the Ought Not to Pass and stop taking away those people's rights. Thank you Mr. Speaker.

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

Representative JACOBS: Mr. Speaker, Ladies and Gentlemen of the House. LD 199 would prohibit smoking in Bingo or Beano Halls in Maine. I had a constituent bring this to me three years ago with a concern. In bringing this concern forward, I have become committed to it. You have got to understand that I am a reformed smoker. I haven't smoked for 20 years. I will never smoke again, but I live in a household of smokers. My two sons smoke, which I don't approve of, but that is their right as long as they don't smoke too much in my house. The biggest thing that I see is that everybody got on the bandwagon for the tobacco settlement. We thought that was a

great idea. It is a great idea, but the idea is to stop the smoking and stop the diseases that come from smoking.

One of the biggest concerns in the Bingo or Beano halls is that an older clientele who are at the highest risk for respiratory disease and weakened immune systems are either heightening their risk or are being unable to attend functions such as Beano, which gives them a chance to fraternize with others and to give them a chance to plan for an outing of fun. So many of them can't ski, but they can sit and play Bingo or Beano. Many of them can't play golf. Many of them don't go to Florida in the wintertime. This is their one and only activity that they can do with others of the same age, their friends and many are not allowed to do it because of the smoke in the halls.

I have been amazed at the support this bill has received from smokers and nonsmokers alike. I really thought it was a done deal just by presenting it and then it gained support. I got many calls from people who were smokers and said they thought it was a good idea. They don't have the willpower themselves to quit smoking, but they thought it was a good idea. By banning smoking in all Bingo and Beano halls, a level playing field for all halls will be accomplished. With the concerns for the effects of smoking, which has made itself clear with the tobacco settlement, we should be supporting efforts to restrict smoking, not encouraging it, especially to our most vulnerable.

Did you know that in some cases that children can be brought to Bingo or Beano halls? Maybe they need a babysitter, but if you don't have one, some of the diehard Bingo Beano players will bring their children. It is allowed. It is not just the old. There are a few young that are being concerned here. I would urge you to pass the Majority Ought to Pass Report. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. This is the same old thing. I was not planning on speaking on this, although I am on the Ought Not to Pass report and feel quite strongly about it. Our esteemed chair of the committee, Representative Kane, made the comment involuntarily exposed to and I need to expand on that. Those in the Bingo and Beano halls that are there while smoking is going on are voluntarily exposed to. They may go in and play Bingo. They may go to the one down the street that is smoke-free. I know that there is a proliferation of smoke-free Beano Bingo halls. We had this discussion about the restaurants and the bars. Again, we are going a little bit further and further each session. This is a recreational activity that is strictly a choice. I appreciate the argument of socialization for the elderly, but, again, I would say if there is such a concern, the nonprofit organization that runs the Beano can have a smoke-free Beano night. As far as children going in and because they possibly couldn't find a sitter, we may be talking about a whole other thing. We may be talking about a gambling addiction and that is a whole other story. I would ask you to reject this and go on to accept the Minority Ought Not to Pass Report. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. I rise to support the statement just made by the good Representative O'Brien and to point out a couple of factors to the body. First, think about this. Is it the policy of this state to

promote cigarette smoking? No. Is it the policy of this state to criminalize and ban cigarette smoking? No. What is the policy of this state? It is to find a reasonable means of protecting the public health. That is what is at issue. That is why the policy last year became a ban on smoking in public restaurants. We did that to protect the children that went into those restaurants and the employees. Who does this bill protect? I think the answer is no one. It does not protect children because they are not generally allowed into Beano halls. It doesn't protect employees. There are none. Many of these halls are absolutely run by volunteers. The only way you are in there is by your own choice. I think that the momentum towards the protection of public health, which is legitimate and part of this state's policy, has run its course in this direction and there must be a preserve, which in this case the issue is Beano halls, where adults can go and if they choose, may smoke. Adults if they choose not to go, may not go. That is the issue. I will be voting Ought Not to Pass. Thank you.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House. I want to encourage you all to vote for the pending motion because second-hand smoke or the smoke at the end of the cigarette is unfiltered and it contains much higher amounts of toxins, such as carcinogens, than primary inhaled smoke. As a result, it is classified in the most toxic class of cancer causing chemicals by the United States Environmental Protection Agency. It is a class A carcinogen for which there is no safe level of human exposure. Indeed, second-hand smoke kills. In fact, it kills on an average of one nonsmoker in Maine every day, mostly through heart disease, lung cancer and chronic lung disease, such as emphysema, which is what I have.

Studies show that many people whose health is harmed or destroyed by second-hand smoke were exposed while at work or in a public place that they frequent. Our goals should be to create a smoke-free environment for all of our Maine citizens. Consequentially, I hope you will join me in accepting this pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Colleagues of the House. It is with trepidation that I speak against the pending motion, partly because it could be politically dangerous for me. I have had constituents in the last few years ask me to sponsor this very bill. I have refused. I received a petition signed by several of my constituents wanting this to pass. I cannot support it, unfortunately. With all due respect to the sponsor, who I usually agree with on a lot of issues and the committee that worked hard on this, I cannot support it. Smoke is definitely dangerous. I don't smoke and I never have. I chewed a little snuff when I was in the service, but that was many years ago. I think more dangerous than smoke is a government that seems to see no distinction anymore between private and public. Just because something is opened to the public does not mean it is not a private operation anymore. I think the more the government takes away the choice of individuals, the more dangerous it becomes. It becomes easier to take away another choice. I am not talking about only the choice of people going into these places, but the choice of the people that operate these places.

We all should be pro-choice on as many issues as we can. We all say we want government only to do the things for us that

individuals can't do. Looking back at the restaurant ban, I also opposed that, but not without concern for the people that work there or the children that might be there. For me this is a here we go again scenario. With the restaurant ban, 60 percent of the restaurants had already banned it. The City of Portland had done it. My argument then was and will be here today, we don't need a state law when people in the local areas can make the decisions. I believe a person ought to have the right to say, Bingo or Beano tonight, smokers only. What are we becoming? A nanny for people or the mommy or daddy. I heard somebody today say that some constituent didn't have the willpower to quit smoking so they wanted government backed up by the power of the police to put this ban on so somebody could quit smoking. I guess that was the implication.

It becomes easier. I would just like to leave with this statement. Once you do one of these like we did with restaurants, now it becomes easier even though there is no wait staff. That was the big argument, as Representative Brooks said. It becomes easier. What is going to be next? Just ask yourselves what choice are we going to take away next? Thank you.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. It is very interesting this debate about Beano and Bingo halls. The first bill that I introduced as a legislator a few years ago dealt with smoking in Beano and Bingo halls. At the time, the current statute that I was seeking to amend said that you could either have it smoking or nonsmoking in a Beano or Bingo hall. The bill that I introduced and was subsequently passed unanimously from the Health and Human Services Committee, as amended, allowed for two separate master boards that you could actually give the Bingo or Beano hall the option of having a smoking area and a nonsmoking area to address both series of concerns dealing with health and with people being able to enjoy all their pastimes in one place, being it smoking or Bingo or either one together. That, I believe, is the law, which this pending motion seeks to repeal. It would prohibit, once again, all together, any option, on smoking. I am not going to get into the issue of health or rehash a debate we had over restaurants smoking issues that we had a couple of years ago. I don't think it is necessarily relevant to this. What I think is relevant is whether or not we are actually addressing a problem. I don't believe that I can vote for the pending motion. As it stands, I would be interested to see what would come after it. I would encourage my colleagues to reject the pending motion and look at logical, subsequent motions. Thank you.

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

Representative COTE: Mr. Speaker, Men and Women of the House. I wasn't about to rise on this. I had to because I have a few constituents of mine that brought it to my attention as well as the good Representative from Turner did. I have family members that go to Bingo halls and Beano halls. I have an aunt that has been playing Beano and Bingo for the last 40 years. Her health has been deteriorating because of smoke filled rooms in Beano and Bingo halls. I used to play Bingo and Beano myself. I, myself, got tired of going into those halls where it is like smog. You smell nothing but cigarette smoke and it stunk. Last year, I voted to ban the cigarette smoking in restaurants due to health reasons and for children's safety as well and for second-hand smoke. I, myself, am on three different inhalers

from cigarette smoke. I smoked since I was the age of 9 years old. I quit when I was 25 because my health deteriorated because of smoking.

My son urged me to take him to go play Beano and Bingo. I told him I would not go due to the fact that there is too much smoke in there. I do not want my son facing the same health problems that I have due to cigarette smoke. My aunt who has been a Beano Bingo player for the last 40 years has also called me numerous times urging me to vote to ban this in the halls. She has been an advocate for nonsmoking for the past 30 years. I have gotten numerous phone calls from her friends on this. When a constituent calls me and wants me to vote against something, I have to answer that call. They are the ones that put me here. They are the ones that can take me out. I sure believe that your constituents did the same thing. They put you here, they can take you out. We are up here to fight for health reasons and safety reasons. Second-hand cigarette smoke is one of the main killers today. For the rest of my life, I have to inhale three inhalers because of cigarette smoke. I know numerous constituents of mine have the same problem. I urge my colleagues to follow my light and vote for the pending motion, Ought to Pass. Thank you.

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, Men and Women of the House. For anybody who might answer, can't Beano halls already prohibit smoking? If they can, why do we need a state law to do something that can be done already on the local level?

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 Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. To respond to the Representative from Sanford, I would just point out to him that he doesn't understand that we live in an age today where government has to be involved in all of our daily activities. We know much better than those people who run those Bingo halls whether or not they should allow smoking. We have become, as a government, the person or the individual that makes the decisions for all of our constituents because we don't believe that they can make decision themselves. That is why this proposal has been brought forward. There is a little something disingenuous about those that advocate for this. For example, our tobacco settlement program, the money that comes in for that is supposed to go for the people that have tobacco related health problems. As you know, those of us who make those decisions here that know best have decided to use those funds for other programs, not related to tobacco issues. Even at that, I would like the Representative from Sanford to know that government itself knows better than those people back home in your district on how to deal with this issue. If you believe that, you should probably vote for the proposal that is before us. I am reminded of what Oscar Wile once said, he said, that whenever a man does the stupidest of things, it is always of the noblest of reasons.

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

Representative TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House. I would thank the good Representative from Yarmouth, Representative Buck, for answering my question. Mr. Speaker, men and women of the House, my understanding is that the area where the initial problem had occurred for presenting this bill has already been taken care of because I believe they have banned smoking. In closing, in my opinion, Beano halls are not restaurants and I think I we should use some commonsense here. I am an emergency medical technician. I deal with people every day with medical problems and I understand the concerns from the other side, but I really think that we have to use some commonsense in this situation. It is for that reason, Mr. Speaker, that I would move Indefinite Postponement of this bill and all its accompanying papers and let's give this bill a merciful dispatch.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

#### ROLL CALL NO. 40

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Bowles, Brooks, Bryant, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Foster, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Landry, Ledwin, Lemoine, MacDougall, Madore, Mailhot, Marley, McGlocklin, McGowan, McKenney, Mendros, Michael, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Perry, Pineau, Pinkham, Rines, Rosen, Savage, Sherman, Skoglund, Snowe-Mello, Stanley, Stedman, Tarazewich, Thomas, Tobin D, Tobin J, Trahan, Tuttle, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Baker, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cummings, Davis, Desmond, Dorr, Dudley, Estes, Etnier, Fuller, Gagne, Hall, Hutton, Jacobs, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Lundeen, Marrache, Mayo, McDonough, McKee, McLaughlin, McNeil, Murphy E, Norbert, Norton, O'Brien LL, Paradis, Patrick, Quint, Richard, Richardson, Schneider, Shields, Simpson, Smith, Sullivan, Tracy, Twomey, Volenik, Watson, Weston.

ABSENT - Cowger, Green, Matthews, Michaud, Povich, Tessier, Treadwell, Mr. Speaker.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.



The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman who wishes to address the House on the record.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to introduce the Nokomis Lady Warrior Basketball Team to this body today. This group of young ladies has been the most successful time in Nokomis history bringing home the first gold state sport's award in the school's 33-year history. I know how long that has been because I was there from the start of the school in 1968. This team has not only brought honor and recognition to the school, but also to the eight towns that are represented by the high school. The coolness under fire, the willingness to give credit to teammates for good performance, the humility and pure joy and celebration all seem to reflect the attitude instilled in these champions by their coaches, Mr. Earl Anderson, the head coach and Assistant Coaches, Penny Stevens and Mike Craig. They are all quality individuals themselves. I suspect if this team were to take the floor tonight against any quality team in the state, they would continue to be rated the underdog, a role they have played to their advantage all year. No one can believe that a team so young can be so successful, but they have. Congratulation Nokomis Lady Warriors for an exciting undefeated season. Thank you.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Kasprzak who wishes to address the House on the record.

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I am thrilled to have these girls with us today. I kind of feel maternal towards them in that many of these young ladies were in my library classes at Palmyra School and some were in my youth groups during the old days when I used to be involved with them. Back in my days at Nokomis, it was the boy's team that was made up of many of these young lady's fathers who were stars in their time. I wasn't there in 1968, for the record, but Representative Stedman was my guidance counselor, take that as you will. I just want to congratulate each and every one of these wonderful girls for their fabulous accomplishments and for making this Representative cry tears of joy that night when they won that game. Thank you and congratulations Lady Warriors.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Place a Time Limit on the Award of Spousal Support"

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

Signed:

Senator:

RAND of Cumberland

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

MITCHELL of Vassalboro

MUSE of South Portland

SIMPSON of Auburn

MADORE of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-88)** on same Bill.

Signed:

Senators:

McALEVEY of York

FERGUSON of Oxford

Representatives:

JACOBS of Turner

WATERHOUSE of Bridgton

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 Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. LD 195 was sponsored by yours truly. Constituents have come forward to me on a couple of occasions and asked that we submit legislation to put a time limit on spousal or alimony payments. At first I was reluctant to present this, realizing the fact that probably a good half a percentage of the population is women and half is men and presumably we would turn a percentage off. Nevertheless, through my investigations, other states have done the very thing that we are discussing here today. That is putting a time limit on alimony payments.

This legislation helps to guide judges during divorce proceedings, to put a limit for only half of the married years for either spouse. In some instances, in particular, a case involving my constituent, they were married for approximately 15 years, divorced. She moved to the State of Oregon. He has been paying alimony payments now for 22 years. He has tried to readdress it in the courts. However, through avoidance of her being served, very cleverly on her part, my constituent still has to pay alimony payments. He is now reaching retirement years and still has to continue to pay alimony payments. She is a successful financial advisor and has an income and there is still reluctance on her part to go back to court and get it readdressed again. He has a business in my district. He is remarried and his former wife is not remarried. After the divorce, he retained custody of the children. He raised the children. Those children are now grown with children of their own. In essence, unless the situation gets readdressed in the courts, this unfortunate individual will be paying alimony probably until the day he dies. To paraphrase it, he is saddled with lifetime alimony.

During the public hearing on this LD, a reporter from the *Lewiston Sun Journal* did an article on it. I can't tell you how many phone calls, faxes and e-mails I received on this issue. They were all in favor of it, because there is an unfairness to it. All this bill tries to do is put a time limit on it. Here again, as I mentioned previously, it will be a tool for the judge. This bill does not limit the amount of the alimony. It does not place any restrictions on joint ownership of property. It just simply puts a time limit on the duration of alimony payments. I ask you to defeat the pending motion and to vote yes on the Minority Report.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am going to vote against the pending motion, although I doubt very seriously it will do any good. I am very pessimistic about changing this law. I happen to know of a gentleman who was caught in this predicament in what turned out to be a very sour marriage that lasted almost 20 years. They ended up getting a divorce and through the divorce court and had alimony of \$100 a week. That is \$100 a week for more than 16 years. As a matter of fact, it might even be 17. In the process of doing that, lots of things changed. The gentleman was remarried and ended up with a step-daughter and ended up with a wife with cancer. In the past couple of years has drained his financial resources to help to pay for his wife's cancer. That same gentleman has gone back to court twice in an effort to reduce the alimony. In both instances, withdrew before he got to court because of what he feared was the potential of not being able to resolve it, but the cost was mounting. The attorney fees in an effort to go back into court to reduce the alimony, which was required until she remarries or dies.

I think we do need a standard. If this were to just simply instruct the court or to give the court some guidance, under normal, let the court decide what is normal, but under normal circumstances, to require that the alimony be only for half of the period of the lifetime of the marriage or some other standard. I think it would be appropriate. What is happening currently is tantamount to taking the spouse hostage. If you lived under those circumstances where you have been relegated to a punishment of \$100 a week for the rest of your life, you know what I am talking about. This gentleman is currently attempting to go back to court again for the third time, only this time after paying \$80,000 in alimony payments and truly under the law encouraging the other member of the marriage not to seek full-time employment, only perfectly capable of doing that, all these years. I don't know if that will work again or if this will be the third failure.

I do ask you to join with me in voting against the Ought Not to Pass so that we can get to the Ought to Pass. I am not familiar with all of the ingredients of this legislation, I apologize for that, but I do know that the standard that was just referred to of cutting the alimony in half, I think, in this day and age, in the year 2001, is appropriate. If you don't believe this story, stop by sometimes and I will show you my checkbook.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. Unlike the good Representative from Winterport who readily admitted to you that he didn't know all the details of this bill, I do. I can tell you that this bill is bad policy for the people of the State of Maine. It is bad policy for a number of reasons. First, in the last legislative session, we already changed this law. It went into affect in September of the year 2000. It hasn't even had an opportunity to really go into affect fully and here we are attempting to change it again. It is important for you to understand what the current law says. The current law says that there is a rebuttable presumption that general support may not be awarded if the parties were married for less than 10 years of the date of filing for the action for divorce. There is also a rebuttable presumption that general support may not be awarded for a term exceeding one-half the

length of the marriage if the parties were married for at least 10 years, but not more than 20 years as of the date of filing of divorce. In effect, what this bill does is one thing and one thing only, it puts an outside limit on child support and affects the very people who, frankly, depend upon spousal support the most and that is those elderly woman who received an award of spousal support years ago based on standards, which were different then than they are now and we are now going to cut them off. That is what this bill would do. It would strand many, many elderly women and cut off their only means of support. That wasn't what they bargained for back 20, 30 or 40 years ago and in some cases 50 years ago when they were married and when they eventually were separated from their spouse. The standard was different then. We need to honor the standard that was in place, the bargain that they made then. We have already set a new bargain in place for marriages today. You can see from what I have already told you what that bargain is. We already have rebuttable presumptions and what that means is that anyone with a severe case can step to the plate, go to court and have the judge change it, if they have a good case to show.

In the case we heard in the committee, the individual has not even brought an action to change their child support. They have attempted to locate and they have located, but they have not yet, unless it has been done since the time of the committee hearing, they have not brought an action against the former spouse to change the amount of child support. They have not taken advantage of the process that is readily available to them. They want to circumvent that and come to the Legislature and have you arbitrarily cut off their requirements to pay spousal report.

Ladies and gentlemen, this is bad policy for the people of the State of Maine. It is bad policy to be mandating to the courts what they must or must not do in individual situations. The court needs to have the ability to look at each individual case individually and make the appropriate decisions based on the facts of that case. That would be true for every one of us. We would hope that courts would not be put in a situation where they have no ability to be able to decide based upon the facts before them what is in the best interest of the people of the State of Maine. I urge you to vote in favor of the Majority Ought Not to Pass Report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

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

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I was under the impression that this bill did not include child support. Could somebody please clarify that?

The **SPEAKER PRO TEM**: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. It does not include child support and if I erroneously said that, I apologize. This is strictly spousal support. That is what this bill is all about. It is the spousal support that people were awarded in various divorce judgments and are receiving as a result of those divorce judgments.



The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. I want to reiterate, again, this bill does not affect child support payments. This bill does not affect child support payments. This bill attempts to clarify a gray area in divorce proceedings. It more clearly defines the duration of alimony payments. It is a tool a judge can use to enable him to give the correct amount of time. Look at the bill. I will read you the summary. "This bill limits the payment of spousal support to a term not to exceed half of the length of the marriage for parties who have been married up to 40 years. It limits the payment of spousal support to 20 years for parties who have been married for more than 40 years." It is clear that that is a long period of time. If a couple had been married for a number of years, say 30 years, that spouse is entitled to 15 years of alimony payments. Certainly during that 15 year period, a person could be educated to go out into the workforce to support themselves. I will say it again, all this bill does is clearly define and it is a tool for the judge. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House. You will hear a common refrain often times from the Judiciary Committee, which is bad cases make bad law. The previous speaker said that this is giving judges a tool. It is more of a set of handcuffs for judges. To help in a couple of circumstances, we are really tying their hands. The stories you have heard are somewhat emotional asking you to change the law to help in a couple of cases. Two or three years from now when a couple of elderly women are destitute and once support is cut off and they come to the Legislature, I am going to bet that a future Legislature would then change the law right back. Currently, we have struck a pretty good balance and I hope we stick with it. I urge you to support the Ought Not to Pass report.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I just want to make sure that people understand the math. If you are 20 years old when you get married and you stay married for 40 years, you are now 60 years old. Under this bill you could only collect spousal support for 20 years, which means you now a 80 year old woman with your spousal support cut off. Thank you.

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

Representative MADORE: Mr. Speaker, Ladies and Gentlemen of the House. Just to reiterate, when we talk about rebuttable presumption, what we are saying right now is the judge already has the ability to rule in that favor if he or she so chooses. When we talk about what the judge has to work with, I am holding eight pages worth of guidelines that a judge can use in a divorce proceeding. If we suddenly enact this legislation as Representative Mitchell just pointed out to all of you, it would literally tie the hands of the judge. I think that is bad policy considering the fact that we just recodified this entire part of the law last year and it went into affect just in September of 2000. We haven't even had a chance to see how the new recodification is going to work. I think this bill is premature. I would ask you to support the pending motion. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I just want to clarify one thing that the good chair commented on. He said that the person who came and testified before the committee on his case, this legislation was meant to solve his problem. That is an error. This bill, especially the amendment on the Minority Report, would not take affect until after October 1, 2001. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I received a phone call from a lady in Lewiston about this bill. I want you to tell you about something that may be forgotten or other people that are suffering because of the way the law is right now. This lady has been married to her husband for almost 20 years, longer than he was married to his first wife. She is sick. Her husband is on disability. They try to bring the ex-wife back into court to lower the payments and to make some kind of change. She lives out-of-state and they can't serve her. They can't serve her the papers. There is no mechanism in place to try to bring it to court and change it. What this bill would do is to force her, if she wants to continue to receive those payments to come and at least have them give them a crack at it in court. It is not just the ex-spouse. It is the current spouse and the current family that suffers by this money. It is the children that he has now that are suffering because of these payments to somebody he was married to over 20 years ago who is still in their 50s and healthy and can work and does work and does make an income. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Hawes.

Representative HAWES: Mr. Speaker, Men and Women of the House. We encourage a parent to stay home with their children, but while this parent is an unpaid worker in the home for 15 or more years while they raise the children, the working spouse accumulates a pension. This pension should provide security to the spouse, male or female, who stayed home. I believe that we should accept the Majority Ought Not to Pass Report and let the judge work with these divorcing couples on an individual basis. I believe this is a bad law. Thank you.

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

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for getting up a second time on this bill, but some things are bothering me about this. A number of references have been made to poor, elderly women in this and I think of the poor, elderly man who has been trying his best to follow the edict of the court nearly 20 years ago and never once missing a beat. You were asked a few minutes ago to do the math. I would like to have you do the math with me on this one too. In the first year, I paid \$5,200 and in 10 years \$52,000 and in 20 years it will be \$104,000. It is money that I could have been using, perhaps, for my new family because as previous speakers, including the chair, has said to you, things do change. I agree with that. Things do change over 20 years. What may have been right then, and I don't fault the judge for doing this at that time, but what I do fault is that there was no trigger in there. There was no opportunity for it to end on its own and I was not encouraged under the legal system to go back and see if there were things that I could do. Nowhere in the system was anybody encouraged to get a full-time job or to go on to

college as the divorce decree had indicated or to further the education. This, instead, was ransom money.

Again, I don't fault the system and I don't fault my ex-wife. In the beginning, it was necessary. There was a tremendous inequality in our earning power at the time. We had agreed in our early marriage that we would, in fact, have her stay home and bring up the two children. That was what we chose to do, knowing full well that housewives don't get pensions, as has been pointed out, but agreeing to share as much as we could during that time. At that time, there was never a thought, not a single one, that we would get divorced. I don't think any of us can predict when we are going to die or divorce or any of those traumatic changes that happen in a family. When we went to court, the question of my pension came up and the value of my pension. I was willing to share that. So that when she retired, she would also get a piece of it. Instead, she wanted a cash settlement. She took a cash settlement and invested that money, I assume, I don't know because I don't know what her financial condition is today, except to say that she is still getting \$100 a week under the court. She did take a cash settlement and was told at the time in open court that if she invested that, it would be the same amount of money that I would have at the time of my retirement at 62 or 65. Here it is 20 years later and I am still saddled by that same burden. I am bewildered by the promises of the court and bewildered by the promises of my ex-wife because things didn't transpire.

I guess that leaves me with a question. All of this time we have heard about the poor elderly woman. This is an equality time folks. I feel offended by that. Like others have stood up on this floor and been offended by comments that favor one sex or the other. I am offended and I am particularly bewildered by the fact that it was okay to recodify the laws last year and change that so that, I guess, from what I have heard, marriages of 20 years or less that the alimony or the support is 10 years, but it is not okay to change it this year. I don't understand. It has only been a year. I hope, again, that you will follow my light and vote against the Ought Not to Pass so that we can pass this bill.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I have listened closely to the remarks here this morning. While I am not an expert on the subject, I do have some thoughts. They are based on my experiences in my life. First off, I will say that I believe and that I fully support the court system. I always have in the State of Maine. With that, this will be just another item to continue to raise the bar in their very busy schedule. On one item that I have heard mentioned here this morning that I cannot agree with and I have seen it in my life and this is where spousal supports provides for people and I am well aware and I am sure if you people think about it, that there are many cases where children in the State of Maine get a great deal of support and a better life. Thank you.

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

Representative BROOKS of Winterport **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 PRO TEM: 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. 41**

YEA - Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Hawes, Honey, Hutton, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Simpson, Smith, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Young, Mr. Speaker.

NAY - Annis, Ash, Bowles, Brooks, Buck, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Hatch, Heidrich, Jacobs, Jodrey, Lundeen, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy T, Paradis, Pinkham, Rosen, Sherman, Shields, Skoglund, Snowe-Mello, Sullivan, Tobin J, Trahan, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Andrews, Cowger, Matthews, Michaud, Treadwell, Weston.

Yes, 100; No, 45; Absent, 6; Excused, 0.

100 having voted in the affirmative and 45 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-87)** on Resolve, to Establish a Fatherhood Issues Study Commission

(H.P. 370) (L.D. 472)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York

Representatives:

LaVERDIERE of Wilton  
BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
SHERMAN of Hodgdon  
MENDROS of Lewiston

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

Signed:

Senator:

FERGUSON of Oxford

Representatives:

MADORE of Augusta  
WATERHOUSE of Bridgton

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-87)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 5, 2001.

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Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System" (H.P. 185) (L.D. 196)

Signed:

Senators:

EDMONDS of Cumberland  
SAWYER of Penobscot  
TURNER of Cumberland

Representatives:

MATTHEWS of Winslow  
CRESSEY of Baldwin  
MacDOUGALL of North Berwick  
TREADWELL of Carmel  
BUNKER of Kossuth Township  
HUTTON of Bowdoinham  
NORTON of Bangor  
SMITH of Van Buren  
TARAZEWICH of Waterboro

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

Signed:

Representative:

DAVIS of Falmouth

**READ.**

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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**CONSENT CALENDAR**  
**First Day**

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

(S.P. 218) (L.D. 783) Bill "An Act to Update the Probate Code" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-37)**

(H.P. 782) (L.D. 1026) Bill "An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass**

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

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

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

(H.P. 93) (L.D. 97) Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

(H.P. 174) (L.D. 185) Bill "An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools"

(H.P. 300) (L.D. 378) Bill "An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge" (C. "A" H-83)

(H.P. 310) (L.D. 388) Bill "An Act to Amend Disclosure Reporting Requirements" (C. "A" H-90)

(H.P. 322) (L.D. 412) Bill "An Act to Amend the Maine Consumer Credit Code" (C. "A" H-80)

(H.P. 323) (L.D. 413) Bill "An Act to Amend the Definition of 'Health Insurance'" (C. "A" H-81)

(H.P. 353) (L.D. 443) Bill "An Act to Amend the Laws Governing Placards for Handicapped Motor Vehicle Operators" (C. "A" H-84)

(H.P. 396) (L.D. 517) Bill "An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification" (C. "A" H-85)

(H.P. 397) (L.D. 518) Bill "An Act to Promote Affordable Housing for the Elderly" (C. "A" H-89)

(H.P. 480) (L.D. 620) Bill "An Act to Amend the Charter of the Gray Water District" (C. "A" H-86)

(H.P. 654) (L.D. 854) Bill "An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles" (C. "A" H-79)

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

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**BILLS IN THE SECOND READING**  
**Senate As Amended**

Bill "An Act to Improve Allowances for Jury Duty"

(S.P. 57) (L.D. 221)

(C. "A" S-22)

Bill "An Act to Reduce Noise Pollution"

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

(C. "A" S-33)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

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

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**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT – Majority (7) **Ought Not to Pass** – Minority (6) **Ought to Pass** – Committee on **EDUCATION AND CULTURAL AFFAIRS** 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)

TABLED – March 21, 2001 (Till Later Today) by Representative RICHARD of Madison.

PENDING – **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative RICHARD of Madison, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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HOUSE DIVIDED REPORT – Majority (10) **Ought Not to Pass** – Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-49)** – Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants"

(H.P. 372) (L.D. 474)

TABLED – March 28, 2001 (Till Later Today) by Representative NORBERT of Portland.

PENDING – Motion of same Representative to **INDEFINITELY POSTPONE** Bill and accompanying papers. (Roll Call Ordered)

Representative MENDROS of Lewiston **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

**ROLL CALL NO. 42**

YEA - Annis, Ash, Bagley, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, 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, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Usher, Waterhouse, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Berry RL, Bryant, Canavan, Dudley, Dugay, Duplessie, Green, Hall, Hawes, Hutton, Laverriere-Boucher, Marley, Mitchell, Paradis, Quint, Savage, Skoglund, Smith, Twomey, Volenik, Watson.

ABSENT - Andrews, Cowger, Goodwin, Matthews, Michaud, Treadwell, Tuttle, Weston, Wheeler GJ.

Yes, 121; No, 21; Absent, 9; Excused, 0.

121 having voted in the affirmative and 21 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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HOUSE REPORT - **Ought to Pass Pursuant to Joint Order (H.P. 1143)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

TABLED – April 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **ACCEPTANCE OF REPORT.**

On motion of Representative RICHARD of Madison, the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

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

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The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Glynn who wishes to address the House on the record.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Today we were handed out an information sheet entitled, *National Semiconductor, the Other Side of the Story* and it was distributed at the request of my State Senator, Senator Bromley and Representative Simpson. I wish to address that. I would like to encourage everybody to attend the National Semiconductor tour that is coming up tonight. The buses will be leaving right after our committee work. I am not going to address the flyer other than to say that it does have some misinformation in it and I believe if you come down and you take the tour in South Portland, you will come to appreciate some of the great things that we were able to do through promoting business and economic development in our city. It is something I really encourage you to attend. The issues that are contained in the flyer are going to be in an upcoming debate in the ensuing week or two. I will hold my comments to that at the request of the Speaker. I thank you all very much.

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On motion of Representative GLYNN of South Portland, the House adjourned at 11:37 a.m., until 9:00 a.m., Thursday, April 5, 2001.