

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
35th Legislative Day
Thursday, April 12, 2001

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

Prayer by Pastor Peter Remick, Pine Tree United Methodist Ministries, Orland.

National Anthem by Biddeford Middle School Chorus.

Pledge of Allegiance.

Doctor of the day, Erik Steele, D.O., Bangor.

The Journal of yesterday was read and approved.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bill was received, and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent for concurrence:

JUDICIARY

Bill "An Act Regarding Conversions of Nonprofit Entities to For-profit Entities"

(H.P. 1307) (L.D. 1770)

Presented by Speaker SAXL of Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: BULL of Freeport, LaVERDIERE of Wilton, MADORE of Augusta, MITCHELL of Vassalboro, RICHARDSON of Brunswick.

**Pursuant to Statute
Department of Marine Resources**

Representative LEMOINE for the **Department of Marine Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

(H.P. 1305) (L.D. 1769)

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

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

Sent for concurrence.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 26)

ORDERED, that Representative Mary Black Andrews of York be excused Friday, March 30th and Saturday, March 31st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Martha A. Bagley of Machias be excused Tuesday, April 3rd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Randall L. Bumps of China be excused Tuesday, April 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Scott W. Cowger of Hallowell be excused Wednesday, April 4th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Marc Michaud of Fort Kent be excused Thursday, March 22nd, Tuesday, March 27th, Wednesday, March 28th, Thursday, March 29th, Friday, March 30th, Saturday, March 31st, Tuesday, April 3rd, Wednesday, April 4th and Thursday, April 5th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Russell P. Treadwell of Carmel be excused Wednesday, April 4th for health reasons.

READ and **PASSED**.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I am very proud today to have up in the gallery 44 students from Winslow High School. They are members of the girl's field hockey team with Coach Beckwith. They are the State Class B Champions. In Winslow, we have, as I am sure would be mentioned by other members of this body also, but I am very, very proud, we have very smart academic students and also great student athletes. This group from Winslow High School today, is the first group that will be here. They will be followed by some others later this month and next month. They are a tremendous team. They had an outstanding season. They have had many outstanding seasons under the tutelage of Coach Beckwith. The people in Winslow are extremely proud of them. I hope you will take a minute to extend best wishes to them. I am very proud of them today. Thank you Mr. Speaker.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)** on Bill "An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company" (EMERGENCY)

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

Signed:

Senators:

FERGUSON of Oxford

TREAT of Kennebec

CARPENTER of York

Representatives:

SAVAGE of Buxton

RINES of Wiscasset

PERKINS of Penobscot

BERRY of Belmont

McGLOCKLIN of Embden

DUNCAN of Presque Isle

BLISS of South Portland

HALL of Bristol

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

Signed:

Representatives:

CRABTREE of Hope

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-45)**.

READ.

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

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

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Permit the Sale of Motorcycles on Sunday"

(H.P. 59) (L.D. 68)

Signed:

Senators:

YOUNGBLOOD of Penobscot

BROMLEY of Cumberland

Representatives:

THOMAS of Orono

HATCH of Skowhegan

RICHARDSON of Brunswick

BRYANT of Dixfield

CLOUGH of Scarborough

DORR of Camden

MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-108)** on same Bill.

Signed:

Senator:

SHOREY of Washington

Representatives:

MORRISON of Baileyville

DUPREY of Hampden

READ.

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 248) (L.D. 284)

Signed:

Senators:

WOODCOCK of Franklin

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

HEIDRICH of Oxford

PATRICK of Rumford

DUNCAN of Presque Isle

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

Signed:

Representatives:

COTE of Lewiston

ESTES of Kittery

TUTTLE of Sanford

O'BRIEN of Lewiston

MAYO of Bath

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. The Majority Report on this particular piece of legislation is **Ought Not to Pass**. I ask you to follow the Majority Report's recommendation. Suits against the state are extremely difficult to deal with. Rather than go into a long and lengthy dissertation about this particular piece, I would tell you that the majority of the people on the Legal and Veterans Affairs Committee did not feel that there was enough evidence to indicate any of our state agencies were at fault at such a manner that they should be sued. You are all aware that you do not sue the state. Think of the situations that you personally may ever find yourself in that could constitute somebody suing you. We live with that on a day-to-day basis. We have insurance that helps us pay for that. State workers, by the very nature of some of their jobs, place themselves in that gray area where they could be sued just for doing their jobs. I can understand why it is necessary for these folks to be held harmless. As I commented already today, I will go to the wall for state agencies and workers because I firmly believe in that concept. We would not have people doing some of the jobs that need to be done here if we did not have a hold harmless clause. At that wall, there is a very tiny window of opportunity. There is a little part of me that says if something terribly egregious has happened and it has not been taken care of properly, what does an individual have for recourse? These situations generally tear at your heartstrings. The question that you do have to ask yourself over and over again is, you have to get over the emotionalism of the situation and you ask yourself, was the state entity at fault in any way? I would tell you, ladies and gentlemen, in this particular situation, the \$28,000 doesn't seem like very much, but you put a lot of \$28,000 together, it makes a sizable sum of money. To some communities, \$28,000 is a tremendously large sum of money. I would ask you to please vote against the pending motion. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the other side of this issue from the good Representative from Gorham. This individual that we are talking about today has presented legislation, similar legislation, to us in the past. His employment was terminated by the agency for whom he worked and charges were filed against him in court. The court threw out those charges as being frivolous after he

had hired a lawyer and it had worked its way along. The Maine State Employees Association assisted him in the arbitration process to get his job back. The arbitrator rules in favor of Mr. Wolley and indicated in 1987 that he shall be reinstated forthwith with full seniority and all other contract benefits. This case should never have happened. It is unfortunate. I has been listened to before by this body and by the Legal and Veterans Affairs Committee. The five people that are in the Ought to Pass, which is what is before you this morning, feel very strongly that Mr. Wolley was not handled properly by the particular bureau for which he worked and that this case indicates that his is entitled to this reimbursement of expense. I would urge that you follow the light of the good chair of the committee and the others. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Mr. Speaker, Ladies and Gentlemen of the House. I have known Phil Wolley for a long time. My wife and his wife were bridesmaids at each other's weddings. I had the unpleasant task of serving as a pallbearer at his young son's funeral when he died suddenly of SIDS. I am up to speed on all the particulars of this bill. I am not an emotional person, but when wrong has been done, I will be willing to get on my feet and speak for it. I urge my colleagues to vote for the pending motion. Thank you Mr. Speaker.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, Ladies and Gentlemen of the House. As we heard earlier, \$28,000 may not be a lot of money for the State of Maine, but \$28,000 here and there and pretty soon we are talking real money. I can tell you that \$28,000 is a lot of money to me and most individuals, probably most people in this body \$28,000 is a lot of money. Certainly I believe it is a lot of money to Phil Wolley. Ten years ago when I got into the convenience store business, Phil was one of the first people I met. He called on me for the state lottery. He would drop by about once a month and he was one of the friendliest nicest guys we had to deal with. We always looked forward to Phil dropping by to see us. I was very sad when he stopped coming. I can understand the state having some restrictions on lawsuits, but Mr. Wolley is out \$28,000 of his own money. He was cleared. I think that this is the least we can do to right this wrong.

Representative POVICH of Ellsworth REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I guess some people would say that no matter how wrong the state is that they should never be held accountable. In this case, I disagree. As I said to members of this body over the years that these cases are probably the most difficult and it is probably from having been a member of this institution for a number of years. I find them the most difficult decisions to make. As many of you know, when I do make a recommendation in favor of the plaintiff, it is, I hope, well thought out. As has been mentioned, the bill would appropriate \$28,000 to reimburse Mr. Phil Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

As has been mentioned here today, this case has been

before our committee on numerous occasions, in 1990, 1991, 1993, 1995 and 1997. All were voted Ought Not to Pass. I think that based upon the evidence that has been given to the committee this time, I think it is important that we do pass the bill as is. Presently after the case has been dismissed, the stigma still remains for Mr. Wolley and his family. The state did not defend him because it was on one occasion a criminal case. The costs of wrongful prosecution, in this case, in my opinion and in the opinion of a number of members of the committee that have been on the committee for a number of sessions, feel that this time Mr. Wolley should prevail. Wrongful charges brought and dropped and Mr. Wolley won his job back in arbitration and the case should have been settled a long ago. No reimbursement for costs of fighting the final charges. I had communicated with Mr. Wolley in years past when he came to committee and requested amounts of \$150,000. I told him it was probably too high and didn't make any sense.

I had asked him that based upon the evidence that was given to the committee that the \$28,000 for his legal defense probably would be appropriate and if he would present a bill this session that, in my opinion, I thought that a number of the members of the committee would support him. I am asking that you do that. As you probably are aware under the present statutes, parties to a lawsuit bear the costs in certain cases unless there are extreme mitigating circumstances. I feel, Mr. Speaker, they are in this case. The bill, as I said before, requests an appropriation of \$28,000. I think it would have to fight for funding on the Appropriations Table. As I said before, I have not supported this in past years, but based on the evidence given today, I feel it should be passed.

In closing, Mr. Speaker, as always these cases are very difficult. I feel that if the state is wrong for us not to acknowledge it, it is the worst type of wrong that there is. I would ask that you would listen to the debate. I know in this morning's prayer, the pastor challenged us to do what is right. I hope that we would do what is right and pass this bill. I would ask that you support the Ought to Pass report. Thank you.

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

Representative COTE: Mr. Speaker, Men and Women of the House. I rise today in favor of the Minority Report of Ought to Pass. As my fellow colleague, Representative Tuttle, has stated, it has come up numerous times. We have to give credit where credit is due. This gentleman suffered numerous times. He put out as much money as he could out of his own pocket for legal fees and everything else. He was wrongfully discharged from his position. We had all the facts in front of us. After speaking with Mr. Wolley, myself, I feel that he should have the right to be reimbursed and I also urge my colleagues to follow my light as well as vote Ought to Pass, the Minority Report, to allow Mr. Wolley to go on with his life and reimburse him his \$28,000. Thank you.

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 speak in support of this Minority Report, Ought to Pass. Having known this gentleman for a number of years, 15 years, through his professional service as a Maine State Employee, I had nothing but the highest regard for him. As state government employees ourselves, we all think of this as a big institution that reaches out with its tentacles all over the state. When it comes to one of our own being accused

and then being acquitted and charges dropped as frivolous charges, this is a very, very small body of employees. Word travels. The \$28,000 in legal fees that are hanging over this poor man and his families head, that he had to incur to defend himself against a charge that was proven frivolous in court is an undue burden that no member of our family, and any state employee is a member of our family, should have to take out of his own pocket. The stigma will never leave this man as long as he cannot look people in the face and say the charges were dropped, everything is settled and I was proven to be right. There were no charges against this man. The compassion that we feel for everyone that calls us as Representatives, there are 151 of us in this House that hear ruling testimony every day on different issues, we had better go out of our way to be compassionate, caring people to the best of our ability. This is one of our own. Let's offer the same compassion and the same caring attitude to put this thing to do bed, finally, and settle a debt that should have been settled a number of years ago. Thank you Mr. Speaker.

Representative CHIZMAR of Lisbon **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought to Pass Report**.

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

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I urge you to support the **Minority Ought to Pass Report** on this bill. As Representative Blanchette has said, Mr. Wolley is one of us. His name was ruined years ago when this false charge was splashed across the newspapers. At that moment he lost the thing, which is most precious to all of us, his reputation. It wasn't just his reputation, it was his families standing in the community. Because of these charges, which the \$28,000 may not seem a lot to some, it is a lot to many. It was a lot to Phil Wolley. He was forced to sell his home. He now resides in the Queen City Mobile Home Park in my district. He has never given up his positive nature. He has never given up his willingness to fight for the poor and the underdogs among us. He has for 16 long years sought to gain the justice, which he lost. Seven or eight times he has come before a committee of this body to plead his case. He is now in his mid to late 70s. He is an aged man. He has not given up his fight and his beliefs that justice will be done to him. Today, I would urge you to vote with your hearts and with the compassion that we all share on behalf of this man. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I apologize for rising on this, but as we all know when we come to this body, we bring our life experiences with us. I think that on this issue if you have ever been in a situation like I have when you had to fight City Hall or county government and you ended up in a legal issue and a comp issue and a labor issue and a court situation, when you live it, you feel it, you walk it, you talk it, it is a little easier for you to get up on the floor and tell you that when we talk about you can't sue state government, I want you to know that we have dealt with these bills in the past and we are the court of last resort. We are the folks that get to speak and say that when the state government transcends and crosses a line so far that we have the authority and we have in the past said, state government you are wrong and it is time to make somebody whole. I think what this issue is about and the

good chair of the committee indicated very clearly in the past that we have seen this bill before, but there was a price tag attached to it that we, as a Legislature, felt was too high and was not fair. I want you to know that when a family gets bankrupt and a family has to go on welfare and take food stamps just because they are trying to stand up for right and wrong and clear your own name and make the government, or the county government that I was involved with, stop doing what they were doing wrong to employees. I want you to know it is tough to stand up. I had to tell my children after my episode, don't do this. Don't fight the government. Don't fight the county government because if you do, you are going to pay dearly. Our family did. Mr. Wolley did. We are the court of last resort and I would ask you to vote and adopt the **Minority Ought to Pass Report**. Thank you.

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

ROLL CALL NO. 45

YEA - Annis, Ash, Bagley, Baker, Belanger, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dugay, Dunlap, Duplessie, Estes, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Landry, Laverriere-Boucher, Ledwin, Lessard, Lovett, Lundeen, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Berry DP, Bouffard, Bowles, Bruno, Bumps, Chase, Chizmar, Clough, Crabtree, Cressey, Daigle, Dudley, Duncan, Duprey, Etnier, Fisher, Foster, Glynn, Green, Haskell, Heidrich, Kasprzak, Koffman, Labrecque, LaVerdiere, Lemoine, MacDougall, Mailhot, McKenney, McNeil, Nass, Peavey, Perkins, Povich, Rosen, Savage, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Madore, O'Brien LL, Patrick.

Yes, 102; No, 46; Absent, 3; Excused, 0.

102 having voted in the affirmative and 46 voted in the negative, with 3 being absent, and accordingly the **Minority Ought to Pass Report** was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 24, 2001.

CONSENT CALENDAR

First Day

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

(S.P. 387) (L.D. 1284) Bill "An Act Related to the Financial Regulation of Health Maintenance Organizations" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(S.P. 31) (L.D. 129) Bill "An Act to Exempt Holocaust Survivors' Compensation from Maine Income Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-42)**

(S.P. 45) (L.D. 213) Bill "An Act to Clarify Mixed Automobile Insurance" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)**

(S.P. 140) (L.D. 463) Bill "An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

(S.P. 208) (L.D. 773) Bill "An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-47)**

(S.P. 212) (L.D. 777) Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)**

(S.P. 259) (L.D. 906) Bill "An Act to Amend the Laws Pertaining to the Control of Disease in Poultry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(S.P. 451) (L.D. 1505) Bill "An Act to Streamline the Administration of the Potato Marketing Improvement Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(H.P. 1233) (L.D. 1680) Bill "An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 774) (L.D. 1018) Bill "An Act to Amend the Civil Court Procedure as it Pertains to Execution Liens" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-112)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 300) (L.D. 1011) Bill "An Act to Modify the Maine Student Incentive Scholarship Program" (C. "A" S-39)

(H.P. 61) (L.D. 70) Bill "An Act to Designate the Second Saturday in September as Youth Field Day" (C. "A" H-110)

(H.P. 413) (L.D. 534) Bill "An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits" (C. "A" H-109)

(H.P. 552) (L.D. 707) Resolve, to Explore the Feasibility of Establishing a Dental Residency Program (C. "A" H-107)

(H.P. 784) (L.D. 1028) Bill "An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code" (EMERGENCY) (C. "A" H-106)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House

Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits"

(S.P. 81) (L.D. 301)

(C. "A" S-40)

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

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

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.

JOINT ORDER – Relative to printing of history and final disposition of each Bill and Resolve

(H.P. 4)

- In House, **READ** and **PASSED** on December 6, 2000.

- In Senate, **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1)** in **NON-CONCURRENCE**.

TABLED – January 11, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – FURTHER CONSIDERATION.

On motion of Representative COLWELL of Gardiner, the House voted to **ADHERE**.

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

Bill "An Act to Allow a Legislator to Opt Out of the Partisan Staff System"

(H.P. 1076) (L.D. 1445)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) **TABLED** – March 5, 2001 (Till Later Today) by Representative BAGLEY of Machias.

PENDING – REFERENCE.

Representative LaVERDIERE of Wilton asked the chair to rule if the Bill was properly before the body.

Subsequently, the Bill was **TABLED** by the Speaker pending a Ruling of the Chair.

Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor (EMERGENCY)

(H.P. 265) (L.D. 343)
(C. "A" H-32)

TABLED – March 30, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – FINAL PASSAGE.

On motion of Representative BAGLEY of Machias, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-32)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-115)** to **Committee Amendment "A" (H-32)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-32) as Amended by House Amendment "A" (H-115) thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-32) as Amended by House Amendment "A" (H-115)** thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-101)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reinstitute the Auditing of State Agencies by the Department of Audit" (H.P. 331) (L.D. 421)

TABLED – April 11, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – Motion of Representative BAGLEY of Machias to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

On motion of Representative BAGLEY of Machias, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 596)

Ordered, the House concurring, that when the House and Senate stand Adjourned they do so until Tuesday, April 24, 2001, at 9:00 in the morning.

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

READ and **PASSED** in concurrence.

The following Joint Resolution: (S.P. 595)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE

ATTORNEY GENERAL OF THE UNITED STATES, THE SECRETARY OF TRANSPORTATION AND THE CONGRESS OF THE UNITED STATES TO IMPOSE A MORATORIUM ON MAJOR AIRLINE MERGERS

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 President of the United States, the Attorney General of the United States, the Secretary of Transportation of the United States, the Congress of the United States and the Maine Attorney General, as follows:

WHEREAS, economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates and access and satisfactory and efficient services for the transportation of people and goods; and

WHEREAS, competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed; and

WHEREAS, these merger proposals will inevitably lead to further consolidation in the airline industry; and

WHEREAS, airline industry consolidation may decrease service and access in the State's markets and localities; and

WHEREAS, airline industry consolidation may hinder or prevent new low-cost airline carriers' entrance into the market; and

WHEREAS, airline industry competition is essential to keep prices reasonable and service satisfactory for the State's consumers and business travelers; and

WHEREAS, the lack of competition will cause longer delays in air travel and decreased customer service; and

WHEREAS, these circumstances will have a negative impact on airline service and the overall economy in the State; and

WHEREAS, the United States Congress, the United States Department of Justice and the United States Department of Transportation are currently examining the proposed airline mergers; and

WHEREAS, Maine's Congressional Delegation is working to ensure that airline service to the State is protected; and

WHEREAS, the Legislature, on behalf of the people of the State, is concerned over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on the State, the surrounding region and the nation as a whole; now, therefore, be it

RESOLVED: That We, your Memorialists, urge the President of the United States, the Attorney General of the United States, the Secretary of Transportation of the United States and the Congress of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it further

RESOLVED: That the Legislature urges the Maine Attorney General to convey the concerns contained in this memorial to the Attorney General of the United States and the Secretary of Transportation of the United States; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, George W. Bush, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Attorney General of the United States, to the Secretary of Transportation of the United States and to the Maine Attorney General.

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

READ.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **ADOPTION**.

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

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

ROLL CALL NO. 46

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, Paradis, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Canavan, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Marrache, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Madore, O'Brien LL, Patrick, Tessier.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

The following Joint Order: (S.P. 597)

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice report out, to the Senate, a bill regarding the enforcement and prosecution of computer-related crimes.

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

ORDERS

On motion of Representative MICHAUD of Fort Kent, the following Joint Order: (H.P. 1308)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill regarding safety equipment on all-terrain vehicles.

READ and **PASSED**.

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

COMMUNICATIONS

The Following Communication: (H.C. 186)

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

April 11, 2001

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

This is to notify you that pursuant to my authority under House Rule 201.1(I), I have rescinded the appointment of Representative Zachary E. Matthews of Winslow as Chair of the Joint Standing Committee on Labor and appointed Representative George Bunker of Kossuth Township to serve as Chair of that Committee.

Representative Matthews will remain a member of the Joint Standing Committee on Labor.

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

On motion of Representative BLISS of South Portland, the House adjourned at 11:40 a.m., until 9:00 a.m., Tuesday, April 24, 2001 pursuant to the Joint Order (S.P. 596).