

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
36th Legislative Day
Tuesday, April 24, 2001

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

Prayer by Reverend Melissa Post van der Burg, North Turner Union Presbyterian Church.

National Anthem by Saco Middle School Band.

Pledge of Allegiance.

The Journal of Thursday, April 12, 2001 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 187)

STATE OF MAINE

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

April 10, 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 bills out "Ought Not to Pass":

- L.D. 610 An Act to Ensure Environmental Integrity, Forest Health and Rural Maine Jobs
- L.D. 1037 Resolve, to Establish the Maine Agri-tourism Program
- L.D. 1154 An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security and to Increase the Viability of Maine's Farms and Improve Nutrition
- L.D. 1424 An Act to Require State Parks to Honor the Golden Access Passport

We have also notified the sponsors 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.

The Following Communication: (H.C. 188)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 9, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 414 An Act to Require Health Maintenance Organizations to Cover Optometrist Services
- L.D. 482 An Act to Ensure Equality in Health Insurance Coverage for Eating Disorders for Children and Adults
- L.D. 484 An Act to Mandate Smoking Cessation Services for Health Insurance
- L.D. 573 An Act to Require Health Insurance Carriers to Cover the Cost of Dental Surgery for Children in Need of Hospital Dentistry
- L.D. 812 An Act to Provide Insurance Parity for Substance Abuse Treatment
- L.D. 1572 An Act to Provide Insurance Parity for Mental Health Services

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.

The Following Communication: (H.C. 189)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 9, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 682 An Act to Require the Adoption of the 2000 International Plumbing Code
- L.D. 781 An Act to Require Veterinary Clinics to Fully Disclose Their After-hours Staffing Policies
- L.D. 942 An Act to Prohibit the Solicitation of Prearranged Funeral Services
- L.D. 1001 An Act to Protect Consumers During Licensing Hearings
- L.D. 1157 An Act to Amend the Laws Governing the Examination of Electricians

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.

The Following Communication: (H.C. 190)

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

April 9, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 170 An Act to Amend the Laws Regarding Sex Offender Registration
L.D. 186 An Act to Exempt from Concealed Firearms Permit Requirements Residents of Other States Allowed to Carry Concealed Firearms
L.D. 626 An Act to Amend the Laws Governing Sex Offender Registration
L.D. 817 An Act to Protect Maine Children
L.D. 935 An Act to Enhance Sentences for Individuals Convicted of Sexually Abusing Children
L.D. 1019 An Act to Impose Community Service on a Person Convicted of Assaulting a Sports Official
L.D. 1030 An Act to Strengthen the Sex Offender Laws
L.D. 1397 An Act to Require the State to Post the Name, Picture and Location of an Individual who is Convicted of a Child Sex Crime
L.D. 1491 An Act to Protect Minors from Sexual Exploitation

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 191)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 9, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 149 An Act to Provide Services to People with Autism
L.D. 1172 An Act to Exempt from the Smoking Ban Tobacconists Who Sell or Serve Food or Alcohol

L.D. 1178 Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Indian Health Clinic

L.D. 1182 Resolve, to Direct the Department of Human Services to Establish Guidelines Governing Procedures for Giving Injections

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. 192)

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

April 9, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 72 An Act to Allow Bow Hunters to Take a Deer During Bow Hunting Season in Addition to the Deer Allowed During Firearm Season
L.D. 110 An Act to Allow a 2nd Hunting Tag in Certain Zones
L.D. 542 An Act to Expand the Muzzle-loading Season to 15 Hunting Days
L.D. 702 An Act to Prohibit the Sale of Bear and Bear Parts
L.D. 760 An Act to Amend the Laws Regarding Bear Baiting
L.D. 1067 An Act to Prohibit the Use of Dogs or Bait While Hunting Bear BY REQUEST
L.D. 1207 An Act to Allow a Hunter to Take a Deer of Either Sex in Black Powder Season
L.D. 1210 An Act to Allow the Transfer of Antlerless Deer Permits
L.D. 1422 An Act to Allow Hunters to Transfer an Antlerless Deer Permit
L.D. 1577 An Act to Encourage New Hunters
L.D. 1598 An Act to Provide for Hunting 7 Days a Week on Lands North of the East-West Highway

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. 193)
STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON JUDICIARY

April 9, 2001

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

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

- L.D. 135 An Act to Ban Partial Birth Abortion
- L.D. 683 An Act to Allow Godparents as Intervenors in Child Custody Cases with the Department of Human Services
- L.D. 745 An Act to Require the Audio Recording of Interviews of Children by the Department of Human Services
- L.D. 791 An Act to Allow a District Attorney to Appeal Court Rulings Without Attorney General Approval
- L.D. 836 An Act to Grant Foster Parents Intervenor Status in Child Protection Proceedings
- L.D. 876 An Act to Require the Department of Human Services to Provide Automatic Discovery to Opposing Attorneys
- L.D. 955 An Act to Ensure Accountability in the Department of Human Services
- L.D. 1009 An Act to Amend the Child and Family Services and Child Protection Act
- L.D. 1074 An Act to Require that any Proceedings Initiated by the Department of Human Services to Terminate Parental Rights Be Open
- L.D. 1079 An Act to Protect Families by Easing the Standard of Proof for Certain Child Protection Hearings
- L.D. 1450 An Act to Protect Parents from Undue Influence in Child Protective Actions
- L.D. 1525 An Act Concerning Real Estate Titles
- L.D. 1650 An Act to Require Substance Abuse Assessment and Treatment for Parents of Children Referred to Child Protective Services
- L.D. 1699 An Act to Make Certain Changes in the Child Welfare Laws

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.

The Following Communication: (H.C. 194)
STATE OF MAINE

ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

April 10, 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. 1112 An Act to Allow Oral Campaigning by Candidates at the Polls
- L.D. 1249 An Act Regarding Registration of Voters on Election Day BY REQUEST
- L.D. 1296 An Act to Permit the Purchase of Wine by Mail Order
- L.D. 1382 An Act to Permit Internet-based Communications to Facilitate the Purchase and Distribution of Wine
- L.D. 1389 Resolve, to Study the Various Types of Ballots Used in the State
- L.D. 1446 An Act to Require Political Workers to Wear Name Tags and to Identify Themselves as Political Workers

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 195)
STATE OF MAINE

ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

April 9, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 813 An Act to Increase to Previous Levels the Number of Traps a Holder of Lobster Licenses may Maintain
- L.D. 1189 Resolve, to Establish the Committee to Study the Feasibility of Establishing a Recreational Saltwater Fishing License

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

Sincerely,
S/Sen. Kenneth F. Lemont
Senate Chair
S/Rep. David G. Lemoine
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 196)

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

April 9, 2001

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

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 795 An Act to Rebalance Maine's Tax Code and Reduce the Structural Gap
L.D. 1370 An Act to Increase the Tax Deduction Benefit for Retired Teachers to \$10,000
L.D. 1410 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Repeal Constraints on the Property Tax and to Make the State Jointly Responsible with Municipalities for Equity in Education
L.D. 1451 An Act to Remove the Tax on Food, Nonalcoholic Beverages and Medicine
L.D. 1551 An Act to Require That the Excise Tax on Motor Vehicles Be Reasonably Linked to the Value of the Motor Vehicle

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

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 197)

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

April 9, 2001

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

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 829 Resolve, Authorizing the Department of Transportation to Designate Routes for Over-limit Vehicles
L.D. 958 An Act to Amend the Laws Governing the Registration of Farm Trucks and Require the Secretary of State to Respond to Inquiries from the Public
L.D. 1275 An Act to Exempt 100% Disabled Veterans from Paying the Excise Tax and Registration Fee on Motor Vehicles
L.D. 1533 Resolve, to Direct the Secretary of State to Establish a Task Force to Create a New Design for Veterans License Plates

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. 198)

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

April 13, 2001

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

Dear Clerk MacFarland:

Pursuant to my authority under Title 10 §1678, I am pleased to appoint Representative Marc Michaud of Fort Kent to the Petroleum Advisory Committee.

Should you have any questions regarding this appointment, please do not hesitate to contact my office.

Sincerely,

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 199)

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

April 11, 2001

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

Dear Clerk MacFarland:

Pursuant to my authority under Title 5 M.R.S.A. Section 19202, I have appointed Representative Lisa T. Marraché of Waterville to the HIV Advisory Committee.

Should you have questions regarding this appointment, please contact my office.

Sincerely,

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 200)

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

April 11, 2001

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

Dear Clerk MacFarland:

Pursuant to my authority under Title 36 M.R.S.A., Section 7104, I am pleased to have appointed the following State Representatives to the Multistate Tax Compact Advisory Committee:

Representative Joseph C. Perry of Bangor
Representative Eleanor M. Murphy of Berwick

If you have any questions regarding these appointments, please contact my office.

Sincerely,
S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 201)

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

April 11, 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. 310 An Act to Require Bonding of Building Contractors
L.D. 947 An Act Concerning Fair Debit Card Practices
L.D. 951 An Act Relating to Rent-to-own Purchases
L.D. 1612 An Act to Regulate Colonics

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.

The Following Communication: (H.C. 202)

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

April 11, 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. 860 Resolve, Requiring the Department of Audit to Review Procedures, Goals and Actual Expenditures of General Purpose Aid Disbursements through the School Funding Formula

L.D. 1183 Resolve, to Establish a Political Education Program
L.D. 1184 An Act to Guarantee Hot Lunches for Maine Students
L.D. 1239 Resolve, to Direct the Department of Education to Synchronize Secondary School Calendars with the Vocational Schools
L.D. 1553 An Act to Provide Funding for Education
L.D. 1576 Resolve, Directing the Department of Education to Revise its Rules Relating to School Lunch Program
L.D. 1606 An Act to Limit Funding for Special Education
L.D. 1659 Resolve, Establishing a Task Force to Study Alternative Secondary Education and the Unique Needs of Disenfranchised Students
S.P. 496 Joint Resolution Encouraging Public Schools to Teach a Firearms and Hunter Safety Course

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.

The Following Communication: (H.C. 203)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 12, 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. 1180 An Act to Improve Handicap Accessibility in Lodging in Maine
L.D. 1231 An Act to Provide an Advocate Program for Disabled Persons in Court-like Proceedings BY REQUEST

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. 204)

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

April 12, 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. 744 An Act to Allow Private Maintenance of Public Easements

L.D. 1016 An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways

L.D. 1609 An Act to Provide a Family Bill of Rights

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.

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. 434 Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor

L.D. 800 An Act to Amend the Laws Governing the Kennebec County Advisory Budget Committee

L.D. 1336 Resolve, to Create Health Days in Maine

L.D. 1448 An Act to Designate a Day of Reflection and Tolerance

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. 205)

STATE OF MAINE

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

April 11, 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. 973 An Act to Restrict Daily Sea Urchin Taking

L.D. 1372 An Act to Establish a Buffer Zone for Aquaculture Leases for Mussels

L.D. 1392 An Act to Set the Mussel Size Limit

L.D. 1555 An Act to Require Fishing Boats Rather than Individuals to be Licensed for Saltwater Commercial Ventures

L.D. 1682 An Act to Restructure the Sea Urchin Lottery

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

Sincerely,

S/Sen. Kenneth F. Lemont

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 206)

STATE OF MAINE

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

April 11, 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:

The Following Communication: (H.C. 207)

STATE OF MAINE

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

April 12, 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. 957 Resolve, to Transfer State Property to the City of Bangor

L.D. 1356 An Act to Exempt Municipalities from Having to Zone for Mobile Home Parks

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. 208)

STATE OF MAINE

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

April 11, 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. 591 An Act to Ensure the Safety of Railroad Bridges
L.D. 938 An Act to Amend the Laws Governing Outdoor Signs
L.D. 1053 An Act to Clarify the Release of Driver's License Information
L.D. 1095 An Act to Amend the Law on Local Bridge Reconstruction

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. 209)

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

April 11, 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. 869 An Act to Establish the Lineworker Safety Act
L.D. 934 An Act to Allow Timely Public Comment on Matters Heard Before Sanitary Districts
L.D. 1385 An Act to Amend the Laws Regarding When the Public Utilities Commission Must Give Notice of its Proceedings

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

Sincerely,
S/Sen. Norman K. Ferguson, Jr.
Senate Chair
S/Rep. William R. Savage
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 213)

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

April 12, 2001

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

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

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nomination of Andrea C. Maker of No. Yarmouth, for appointment to the Maine Public Broadcasting System Board of Trustees.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nomination of Carrie Graiver of Norway, for appointment as the Student Member, Maine Technical College System Board of Trustees.

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Department of Inland Fisheries and Wildlife

Representative DUNLAP for the **Department of Inland Fisheries and Wildlife** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1312) (L.D. 1776)

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Transportation

Representative FISHER for the **Department of Transportation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation (EMERGENCY)

(H.P. 1311) (L.D. 1774)

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

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

Sent for concurrence.

Pursuant to Statute

Department of Public Safety

Representative FISHER for the **Department of Public Safety** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety (EMERGENCY)

(H.P. 1313) (L.D. 1777)

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

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

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Terry Allen, of Portland, on the occasion of his retirement as principal of the Falmouth Middle School after 33 years of dedicated service to the Falmouth school system as an educator and administrator. Mr. Allen began his career in Falmouth as a 5th-grade teacher in 1968 and assumed the position of principal in 1983. He has been instrumental to and supportive of numerous accomplishments at the school, including, the Camp Kiev Program, the Summer Science program and the student exchange programs. We send our appreciation to Mr. Allen for his excellence as a teacher and administrator for the Falmouth school system and extend our best wishes to him for a long and happy retirement;

(HLS 227)

Presented by Representative DAVIS of Falmouth. Cosponsored by Senator ABROMSON of Cumberland, Speaker SAXL of Portland, Representative BRANNIGAN of Portland, Representative CUMMINGS of Portland, Representative MARLEY of Portland, Representative DUDLEY of Portland, Representative McDONOUGH of Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Senator RAND of Cumberland.

On **OBJECTION** of Representative DAVIS of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. Very briefly, Terry Allen, my own three children passed through his school. He was a teacher at Polum Oaks and then principal of the Falmouth Middle School. I think he is the quintessence of what a good principal would be about. As the students come into Falmouth Middle School, he greets them each morning by their first name, which is a rather remarkable feat if you think about it. He is there in the afternoon and checks them on the bus. I think he will be greatly missed in his achievements as an excellent teacher and excellent administrator. Thank you very much.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative **BERRY** from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand Educational Opportunities"

(H.P. 414) (L.D. 535)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

Representative **RICHARD** from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Promote Safe Schools"

(H.P. 1274) (L.D. 1734)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

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

Sent for concurrence.

Ought to Pass Pursuant to Joint Order

Representative **BAGLEY** from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001 (EMERGENCY)

(H.P. 1309) (L.D. 1772)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1247).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

Representative **BAGLEY** from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain Kennebec County Officers" (EMERGENCY)

(H.P. 1310) (L.D. 1773)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1247).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Preserve Competition in the Retail Marketing of Motor Fuels"

(S.P. 146) (L.D. 490)

Signed:

Senators:

BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk

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

Signed:

Senator:

SHOREY of Washington

Representative:

MICHAUD of Fort Kent

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

READ.

On motion of Representative **RICHARDSON** of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Providing for the Licensure of Ophthalmic Dispensing"

(H.P. 1050) (L.D. 1407)

Signed:

Senators:

SHOREY of Washington
YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden

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

Signed:

Representative:

MURPHY of Kennebunk

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Allow a Person to Take the Bar Examination without Attending Law School"

(H.P. 781) (L.D. 1025)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)** on same Bill.

Signed:

Representatives:

WATERHOUSE of Bridgton
MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton 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 **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)**

on Bill "An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance"

(H.P. 423) (L.D. 544)

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

CRESSEY of Baldwin
DAVIS of Falmouth
MacDOUGALL of North Berwick
TREADWELL of Carmel
BUNKER of Kossuth Township
TARAZEWICH of Waterboro

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

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren

READ.

Representative BUNKER of Kossuth Township 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.

CONSENT CALENDAR

First Day

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

(S.P. 150) (L.D. 494) Bill "An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 197) (L.D. 669) Bill "An Act to Clarify the Use of the Municipal Investment Trust Fund" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)**

(S.P. 277) (L.D. 988) Bill "An Act Relating to the Celebration of Veterans' Week" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)**

(H.P. 530) (L.D. 685) Bill "An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1053) (L.D. 1416) Resolve, to Authorize the Development of a New Railroad Bridge on the Union Branch Railroad Line over Back Cove in Portland Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 21) (L.D. 21) Bill "An Act to Allow Local Boards of Education the Option to Grant a High School Diploma to Former Students Who Are Honorably Discharged World War II Veterans" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)**

(H.P. 22) (L.D. 22) Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the

Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)**

(H.P. 26) (L.D. 26) Bill "An Act to Expand Eligibility for the Veterans' Property Tax Exemption" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 94) (L.D. 98) Bill "An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-133)**

(H.P. 136) (L.D. 147) Bill "An Act to Protect the Academic Integrity of Maine's Institutions of Higher Learning" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)**

(H.P. 141) (L.D. 152) Bill "An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-132)**

(H.P. 195) (L.D. 206) Bill "An Act to Require That Ballots Be Single-sided" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

(H.P. 206) (L.D. 241) Bill "An Act to Change the Fiscal Year of Sagadahoc County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)**

(H.P. 392) (L.D. 513) Bill "An Act to Permit Grievance Mediation by the Panel of Mediators" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)**

(H.P. 411) (L.D. 532) Bill "An Act to Appropriate Funds to the Maine Technical College System for the Operation of the Bath Higher Education Center" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)**

(H.P. 478) (L.D. 618) Bill "An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)**

(H.P. 553) (L.D. 708) Bill "An Act Concerning Commercial Driver License Certification" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)**

(H.P. 591) (L.D. 746) Bill "An Act to Exempt Certain Temporary Placement and Adoption Services Organizations from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)**

(H.P. 645) (L.D. 845) Bill "An Act to Establish a Sales Tax Exemption for Certain Incorporated, Nonprofit Memorial Foundations" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-138)**

(H.P. 656) (L.D. 856) Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16 Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-131)**

(H.P. 677) (L.D. 877) Bill "An Act to Exempt Medical Devices and Assistive Devices Used by Individuals with Disabilities from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)**

(H.P. 716) (L.D. 931) Bill "An Act to Provide for the Security of Certain Utility Information" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-130)**

(H.P. 776) (L.D. 1020) Resolve, to Designate Regional Rare Book, Manuscript and Vital Records Depositories Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)**

(H.P. 973) (L.D. 1297) Bill "An Act to Ensure Proper Funding of the Public Utilities Commission" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)**

(H.P. 1118) (L.D. 1487) Resolve, to Establish the Blue Ribbon Commission to Review Special Education Laws Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-127)**

(H.P. 1171) (L.D. 1571) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)**

(H.P. 1206) (L.D. 1628) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2001-2002" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(S.P. 434) (L.D. 1414) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-51)**

On motion of Representative FISHER of Brewer, was **REMOVED** from the First Day Consent Calendar.

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

CONSENT CALENDAR Second Day

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

(S.P. 387) (L.D. 1284) Bill "An Act Related to the Financial Regulation of Health Maintenance Organizations"

(S.P. 31) (L.D. 129) Bill "An Act to Exempt Holocaust Survivors' Compensation from Maine Income Tax" (C. "A" S-42)

(S.P. 45) (L.D. 213) Bill "An Act to Clarify Mixed Automobile Insurance" (C. "A" S-41)

(S.P. 140) (L.D. 463) Bill "An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines" (C. "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" (C. "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) (C. "A" S-48)

(S.P. 259) (L.D. 906) Bill "An Act to Amend the Laws Pertaining to the Control of Disease in Poultry" (C. "A" S-49)

(S.P. 451) (L.D. 1505) Bill "An Act to Streamline the Administration of the Potato Marketing Improvement Fund" (C. "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)

(H.P. 774) (L.D. 1018) Bill "An Act to Amend the Civil Court Procedure as it Pertains to Execution Liens" (C. "A" H-112)

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

BILLS IN THE SECOND READING

House

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)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Amend the Definition of "Health Insurance"

(H.P. 323) (L.D. 413)

(C. "A" H-81)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Correct Errors in the Laws Regarding Court Unification

(H.P. 732) (L.D. 952)

(C. "A" H-95)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Emergency Measure

An Act to Modify the Maine Student Incentive Scholarship Program

(S.P. 300) (L.D. 1011)

(C. "A" S-39)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools

(H.P. 232) (L.D. 269)

(C. "A" H-94)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 14 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery

(H.P. 93) (L.D. 97)

An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers

(H.P. 146) (L.D. 157)

(C. "A" H-93)

An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools

(H.P. 174) (L.D. 185)

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

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

(C. "A" S-40)

An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge

(H.P. 300) (L.D. 378)

(C. "A" H-83)

An Act to Amend Disclosure Reporting Requirements

(H.P. 310) (L.D. 388)

(C. "A" H-90)

An Act to Amend the Maine Consumer Credit Code

(H.P. 322) (L.D. 412)

(C. "A" H-80)

An Act to Increase the Penalty for Misuse of Placards or Registration Plates for Handicapped Motor Vehicle Operators

(H.P. 353) (L.D. 443)

(C. "A" H-84)

An Act to Amend the Small Power Production and Cogeneration Laws

(S.P. 151) (L.D. 495)
(C. "A" S-38)

An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification

(H.P. 396) (L.D. 517)
(C. "A" H-85)

An Act to Promote Affordable Housing for the Elderly

(H.P. 397) (L.D. 518)
(C. "A" H-89)

An Act to Amend the Charter of the Gray Water District

(H.P. 480) (L.D. 620)
(C. "A" H-86)

An Act to Discourage Frivolous Appeals

(S.P. 224) (L.D. 789)

An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles

(H.P. 654) (L.D. 854)
(C. "A" H-79)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates

(H.P. 782) (L.D. 1026)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 47

YEA - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cressey, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Carr, Chase, Clough, Crabtree, Daigle, Dorr, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Kasprzak, Labrecque, Lovett, MacDougall, Morrison, Nass, Peavey, Perkins, Pinkham, Sherman, Snowe-Mello, Tobin J, Treadwell, Twomey, Waterhouse.

ABSENT - Baker, Buck, Bunker, Cummings, Etnier, Goodwin, Green, Kane, Michael, Muse K, Povich, Quint, Stedman, Tessier, Thomas, Trahan.

Yes, 103; No, 32; Absent, 16; Excused, 0.

103 having voted in the affirmative and 32 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes

(H.P. 199) (L.D. 229)
(C. "A" H-98)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BULL of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a division on **FINAL PASSAGE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Division Requested)

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 12, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

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

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on April 4, 2001.

- In Senate, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)** in **NON-CONCURRENCE**.

TABLED - April 11, 2001 (Till Later Today) by Representative KANE of Saco.

PENDING - FURTHER CONSIDERATION.

Representative JACOBS of Turner moved that the House **RECEDE**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **RECEDE**.

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 Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I wish that there were a different way to proceed with this. Not being totally familiar with or not recalling as quickly as I should the process that we need to follow here. This House, this body, when this bill was before us before, it sent a message I thought that was loud and clear. I would like to see us continue with that. If I thought a motion to Adhere to our previous motion was in order, I would have made that, but I understand that is not. This is the strongest motion. I hope that you will join with me and not vote to support this. Again, this House has acted in the past and because we are not concurred with, we are now faced with the possibility of prolonging this. The arguments that we heard before, I think still stand. We are going to be right back to talking more and more and debating great length of the merits of smoking in places where we are trying to prohibit them. For heaven's sake, this is recreation. Let's let people make decisions on their own. I would hope that you will follow my light and not vote to Recede. Thank you Mr. Speaker.

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

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. I would like to explain why I wanted to Recede. The Committee Amendment, House Amendment "A", I want to Recede because I want to put a different amendment on later. The first amendment made it so that everyone would have to go no smoking in Bingo/Beano halls regardless. I want to get rid of Amendment "A" because it does not do what I want it to do for the people of Maine. I don't know any other way of explaining it other than that. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I voted with the majority when we Indefinitely Postponed this bill or accepted one of the reports. I don't remember exactly what our posture was. I think it would be only fair and honorable to extend Representative Jacobs the courtesy of putting this particular matter in a posture where she could present the amendment. We can debate the amendment at that time. It doesn't mean we have to support it, but I certainly support this action now and I hope my colleagues will follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, is it appropriate to debate the merits of the bill now?

The **SPEAKER**: The Chair would rule that it would appropriate to debate Committee Amendment "A" or to discuss the procedural posture, which is being presented at this time, not to debate a potential subsequent amendment or an amendment not before the body. You may debate Committee Amendment "A" if you wish. The Representative may proceed.

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. I stand in support of this amendment and this bill because I think it is the right thing to do. I just don't believe that innocent citizens should be forced to bring second-hand cancer in order to play Bingo or Beano. After the previous vote of this

body, the *Lewiston Sun Journal* published a list of local legislators who voted for and against the bill. I then received a number of calls and messages from people who stated there had been a significant increase in attendance at their local parish hall games after they decided to go smoke free. I know of another game in another town nearby, which allows smoking, and it is failing. This says to me that economic disaster does not necessarily follow when a game decides to stop making the players breath the second-hand cancer. Our restaurants have had a similar experience. During the hearing I asked our legal advisors this question, if an organization at a Bingo game wherein the attendance is restricted to members and guests only, such as an American Legion, is that called a public place? This is what the bill calls for, restriction of smoking in a public place. The answer is if the public is not invited, it is a private place and therefore this law would not apply. For those who wish to breath second-hand cancer, there is a place for you. I urge you to support Representative Jacobs and follow her light.

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

ROLL CALL NO. 48

YEA - Annis, Ash, Bagley, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hawes, Hutton, Jacobs, Jodrey, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Muse C, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Winsor, Young, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Brooks, Chase, Clough, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Hatch, Heidrich, Honey, Kasprzak, Labrecque, Ledwin, Lemoine, MacDougall, Nutting, O'Brien JA, Pinkham, Sherman, Skoglund, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Baker, Buck, Davis, Kane, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 110; No, 29; Absent, 12; Excused, 0.

110 having voted in the affirmative and 29 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE**.

Representative JACOBS of Turner **PRESENTED House Amendment "B" (H-135)**, which was **READ** by the Clerk.

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

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. House Amendment "B", this amendment allows smoking in a public place when high-stakes Beano or high-stakes Bingo games are being conducted in accordance with the provisions of the Maine Revised Statutes. It also provides that smoking is allowed in non-profit Bingo/Beano halls if that place is serviced by a ventilation system that replaces air within 10 minute or shorter cycles. That is the amendment, Mr. Speaker.

I rise to speak today to again ask for your support of the bill, LD 191, before this House. This bill will simply bring Bingo halls into line with almost every other public recreational activity in the

state. At the same time we will be protecting many of our elderly and most vulnerable citizens from this serious health risk.

The Environmental Protection Agency list second-hand smoke as a Class A carcinogen, the most toxic class of all cancer causing chemicals for which there is no acceptable human exposure. This puts second-hand smoke in the same class as formaldehyde, arsenic, benzene and radon. If this bill imposed a ban on those substances there would be little debate. Smoking kills seven Maine citizens a day, one of them a non-smoker. One in nine Maine citizens will die from tobacco related diseases not become ill or encounter complications, but die. To put that in more real terms, approximately 20 percent of the individuals who voted against this proposal the first time will die as a result of tobacco.

I have heard that if we ban smoking it will be the end of halls, that attendance will drop and these organizations will lose needed revenue. We have heard this argument before with every other business and group. Research, however, suggest this is not the case, in areas in which there are bans attendance has dropped little if any.

Finally, here in Maine of the 50 VFW halls that operate a Beano 22 currently are non-smoking and doing fine. If they can, why can't others? Further, I have heard many comments that this is a bill that infringes on rights. That soon we will be telling you that you cannot smoke in your own homes. That simply is not the case. The question I pose to this body is why do we allow smoking in Bingo/Beano halls to begin with? For various reasons we banned smoking in public places, in our stores, in our restaurants, in our theaters and auditoriums, and in our workplaces. We do this not because we want to trample smoker's rights, we do it to ensure the health and safety of those who do not smoke. Many have said that if they don't like the smoke, then don't go. If we are to accept that argument, why does it not hold true for movie theaters, auditoriums and restaurants? The same argument could and has been made with those voluntary activities. However, this body has said no to this argument time and time again. I ask you today to again say no. I urge you to support this bill. It is the right thing to do for all the people of Maine.

Representative WATERHOUSE of Bridgton moved that **House Amendment "B" (H-135)** be **INDEFINITELY POSTPONED**.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-135)**.

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 Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. Let's do it. Let's Indefinitely Postpone it. If you want to wait, we can do that when it gets attached. We can do it to the bill and we can be here all night and we can debate this. I think we ought to send a message back down to the other body that we were sincere about what we did. The vote margin was pretty wide. If you listen to the testimony that was previously presented by Representative Jacobs, my friend Representative Jacobs, she already testified that half of the Beano halls in the State of Maine are complying with somebody's wishes to have no smoking. I am not sure who is requesting that. It must be the people who play Beano in those particular halls. If we are already complying, why are we putting it in law that they must be the other 48 or whatever it is and they must comply as well? We have exemptions in the bill. I don't quite understand why we would want to do this. One more time we are going to invade people's personal lives and tell them what to

do and what not to do and where to smoke and where not to smoke.

There was a bill earlier this year that I understand is not coming back that would have restricted them even further. Ladies and gentlemen of the House, I think we have gone far enough trampling on smoker's rights. I don't want mine trampled on if I choose to smoke or return to smoking. I smoked a long time and I smoked a lot. I chose to quit and now I choose to go to places where other people don't smoke, but that is my choice. I don't know why we can't do the same thing and stop treading on private business. I can tell you of a restaurant in the Town of Brooks that is closed today. We banned smoking in restaurants. He threatened, he said, "Please Joe." As you can remember, those of you who were here last term, I did argue against doing it because of exactly what he had predicted would happen has happened. I know of another restaurant in my district where business has dropped off considerably. Will it gain again? I don't know. I suspect it probably will. It has been proven all over the place that that is not necessarily a deterrent to ban smoking. I went to a restaurant the other day and I looked on the ground and counted almost \$10 worth of cigarette butts if we had a 5 cent deposit on them. That is not a political ad or anything, but what I want to say to you is let's not continue to invade people's privacy. This is a recreational activity. Let's do it at the racing tracks next where perhaps outside the gate they can stand there and smoke. I say let's Indefinitely Postpone this amendment and get back to the main bill and then take the same action that we did when it was before this body previously and not cower to some people who want us to do it the other way from down the hall. Thank you very much Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I hope that you vote against the Indefinite Postponement of this amendment. For the record, Indian high-stakes Bingo does not fall into the same category as your regular non-profit Bingo. The Penobscot Nation pays the State of Maine \$50,000 a year so that we can operate at a high-stakes level. Our customer base is located in Canada and throughout New England. We compete with other high-stakes Bingo locations, such as New Brunswick, Nova Scotia, New Hampshire and Connecticut where customers are allowed to smoke. We have recently upgraded our facility by investing approximately \$750,000 in a smoke removal air exchange system. Eighty percent of our customers arrive by bus with an average of 50 or 60 bus tours on a Bingo weekend. We purchase 600 or 700 hotel rooms in the Bingo area. This includes Old Town, Orono, Bangor and Brewer. This influx of people from Canada and throughout New England boost the local economy as well. They not only play Bingo, but shop at local malls and eat at local restaurants. We estimate that approximately 75 percent of our customers smoke. If these customers were not allowed to smoke, they would certainly choose to play high-stakes Bingo elsewhere and we would lose this cash infusion to our economy as well as local economies. The Penobscot Nation depends on the income generated from high-stakes Bingo to help with the costs of tribal governments services. If our customers are not allowed to smoke, we will lose up to 75 percent of our customer base. For these reasons, I ask you to Indefinitely Postpone this amendment. Thank you.

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

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

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I ask anyone who might want to answer the question, if we pass this amendment, wouldn't we be obligated to offer the same type of amendment for any other public place that is now smoke free?

The **SPEAKER**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I think it refers to what this body did last year regarding smoking in restaurants. Part of the argument we did there was the decision not to allow particular institutions, particular businesses, to out compete or Wal Martize their competition because they had the funds to put the smoking and ventilation equipment in. We went with a flat ban. What House Amendment "A" would essentially do is that Wal Martization of Beano games in the state because it would say that you can only have smoking in facilities that are wealthy enough to put in the expensive filtration equipment. It undermines the very heart of what Beano has been in our society. It is small, local, non-profit, a history of money raised for the good of the community. It started with the Daughters of the American Revolution if I recall my history correctly. It is done on a very small scale. That is the nature of what Beano has been to this state. It is why I will support the existing motion to Indefinitely Postpone. I guess I will leave the body with the last thought, which I tried to do last time and who are we trying to protect? Are we protecting consenting adults from themselves? I don't think that is the role of the state. We have no children in these Beano halls. We have volunteers that are running them. There is nobody to protect but the adults who are there. I think we go to far by making that step. Thank you.

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

Representative **COTE**: Mr. Speaker, Members of the House. I rise again on this bill. I am going to urge my fellow colleagues to vote against the pending motion. I stated once before and I will state it again, if you go inside Beano halls, it stinks, plain and simple. If you choose to smoke, fine, go outside. Take five minutes and go outside and smoke. You don't have to stay inside the Beano halls if you choose not to. That is your prerogative. What we are trying to do here is we are trying to make an air-free environment for people. I, myself, have diabetes. I, myself, have asthma. I, myself, was in a hospital two weeks ago fearing a heart attack. I have never had a heart attack a day in my life. All this is caused from smoking. Second-hand smoke does kill. As you were just given, the statistics that were just handed to you, information on second-hand smoke, all the statistics are true. I know for a fact that one of the Beano halls in our area, in Lewiston, went from 90 members to 120 members because of the smoke free environment. It can be done. I urge my fellow colleagues to follow Representative Jacob's light and my light and vote against the pending motion. Let's vote Ought to Pass on Amendment 'B.'" Thank you.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. At least three of the proponents who have spoken have actually answered the questions, in my mind. They have said that several of these establishments have already banned smoking. It is a good consequence. They have actually increased their patronage. My feeling is the state ought to solve the problems that the people can't solve. People come to us to

solve problems they can't solve. They are solving the problems. Apparently several of these Beano halls have banned smoking. Certainly we don't need to do it at the state level, it is as simple as that. In this amendment, if we are basing this on a principle here, a concern, why does that concern and that principle diminish due to something called high stakes? It seems to me that amendment ought to be defeated and then we ought to go on to defeat the entire bill, I believe. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I would just like to touch upon a couple of comments that I have heard so far. The honorable Representative Lemoine from Old Orchard Beach has stated that there are no children at Bingo. I hope I can say this, but I am on the Week Bingo Committee, according to the newspapers, so I have a little bit of knowledge of the area of Bingo. I also have been a Bingo volunteer for 28 years of my life. I know exactly what goes on at most Bingo halls. I have done it for 28 years, sometimes two days a week as it goes along. Another thing I heard is, are we going to legislate adults to make decisions like that? I don't know about the health care crisis in the State of Maine, I guess I understand that 50 to 60 percent is directly related to the costs of smoking. We are debating whether or not we are going to save our Fund for Healthy Maine, yet we will do away with the opportunity for people to smoke. One of the statistics the Honorable Representative Jacobs had stated was seven people die every single day, adults and children, 20 percent of those are non-smokers. Some of the statistics over my 28 years as a Bingo volunteer, which I do have the choice to do it if I don't want to, but I do it for the good of the communities that I serve. Seven people die per day and 49 people die per week and 210 people die every month, 2,555 people die per year and 51,540 people have died in the State of Maine since I have been a volunteer. Am I going to help adults protect themselves from themselves? I urge you to vote not to Indefinitely Postpone and then get on there and pass the bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Members of the House. I would urge you to vote against the Indefinite Postponement of this bill. I will put a different slant on this. I believe this is a health issue, a public safety issue. Anytime the public gets together in meetings, you always give up certain civil liberties, if you will, for the good of the people that are there. For example, Bingo/Beano is gambling. It is licensed by the authority of the Legislature and then by the Maine State Police. That license authorizes the Maine State Police to look into and investigate the people that run the Beano halls. I feel comfortable with that. It is part of the public being present. They also inspect the hall. The fire people come in and inspect the hall and make sure it is safe. Also, we have handicapped parking outside. That is another issue. The public is together and we give up certain rights to accommodate everyone else. The burner or the heating system in an establishment like this is also inspected and licensed. If a burner goes bad and it has a bad smell, what do you do? You evacuate the building. You walk into a Beano hall now and you look at the smoke and it is probably 10 times worse, nothing happens. I say we have got to give up some of our civil rights when mass gathers are present for the good of everyone that is present. I would urge you to support this amendment and vote against the Indefinite Postponement. Thank you.

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

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. For those of you interested in the short story, while I find this debate invigorating, last week we all took a week off and we went home. Some of us raked our lawns, some of us planted our gardens and some of the luckier ones flew to Florida or Aruba. In regards to smoking and Beano, nothing changed last week. We voted overwhelmingly to kill this bill and those of you who knew what you were doing last week, know what to do today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a little confusing to follow this debate, but I just want to focus on a matter, the only matter that is before this body today, since our previous action said that we want to prohibit smoking in all Bingo and Beano halls, now the amendment proposes that we say, not all of them. I just want to state for the record that the same way two years ago that we banned smoking in restaurants because we cared about all of the customers smoking or not and I feel that if we are going to pass this bill, then we should care about all of the people playing Bingo, smoking or not. The same way we banned smoking in restaurants because we cared about the employees. I believe the employees in high-stakes Bingo halls have every bit as much value and right to life as people in less affluent surroundings. I believe we sent a message when we banned smoking in restaurants that basically places of public accommodation, we don't want to have smoking. Therefore, I don't think we want to have that same message contaminated by saying unless this is a high-stakes Bingo hall, then we really don't mean it. If we want to accomplish all of those things, we need to vote for the pending motion to Indefinitely Postpone the House Amendment and leave the debate pure. You either want smoking or you don't want smoking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. As the sponsor in the last two sessions of the bill that dealt with smoking in restaurants, I can't resist the temptation to respond to my good friend from Arundel, Representative Daigle. We didn't ban smoking in all restaurants statewide. I would have loved to have. I would have loved to ban smoking in all bars and taverns statewide. That wasn't possible. We did what we did. We did what we could. We banned it where children are allowed without the presence of an adult. That was as far as we could get. We did a lot when we did that. We did a good thing when we did that. We didn't go as far as I would have wanted. You do what you can around here and you do it in incremental steps and sometimes you can't get all the way there with one fell swoop. We did what I know the public wanted when we did that. I think Representative Jacobs has done a commendable thing in trying to address some of the concerns that we raised about the original bill in trying to make this incremental thing. I certainly supported the bill before some of you had a vacation last week. I certainly will support this amendment today recognizing that it is only incremental and that in the 121st Legislature you folks will come back here and continue the good work you start today. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-135). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 49

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Brooks, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Dunlap, Duplessie, Duprey, Fisher, Foster, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Landry, Ledwin, Lemoine, Lundeen, MacDougall, McGlocklin, McKenney, Mendros, Michael, Mitchell, Murphy E, Muse C, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Povich, Richardson, Rines, Savage, Sherman, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Estes, Etnier, Fuller, Gagne, Green, Hall, Hawes, Hutton, Jacobs, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Morrison, Norton, O'Brien LL, Paradis, Patrick, Pineau, Quint, Richard, Schneider, Shields, Simpson, Smith, Tessier, Tracy, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Baker, Buck, Davis, Kane, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 74; No, 65; Absent, 12; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-135) was INDEFINITELY POSTPONED.**

Representative **BROOKS** of Winterport moved that the House **ADHERE**.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **ADHERE**.

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 to Adhere. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 50

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Bowles, Brooks, Bryant, Bumps, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Dugay, Dunlap, Duplessie, Duprey, Fisher, Foster, Glynn, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, MacDougall, McGlocklin, McGowan, McKenney, Mendros, Michael, Michaud, Murphy E, Muse C, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pinkham, Rines, Savage, Sherman, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Volenik, Waterhouse, Wheeler EM, Winsor, Young.

NAY - Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Duncan, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hall, Hutton, Jacobs, Koffman, LaVerdiere, Lessard, Lovett, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McKee, McLaughlin, McNeil, Morrison, Norton, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Schneider, Shields, Simpson, Smith, Tessier, Twomey, Watson, Weston, Mr. Speaker.

ABSENT - Baker, Buck, Davis, Kane, Madore, Mitchell, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 81; No, 57; Absent, 13; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 13 being absent, and accordingly the House voted to **ADHERE**.

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

SENATE PAPERS

Resolve, to Establish the Maine Cattle Health Assurance Program

(S.P. 598) (L.D. 1771)

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

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

**Pursuant to Joint Order
Committee on Natural Resources**

Report of the **Committee on NATURAL RESOURCES** pursuant to Joint Order S.P. 563 asks leave to report that the accompanying Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

(S.P. 600) (L.D. 1775)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 175) (L.D. 603) Bill "An Act to Increase Instruction for Legally Blind Children" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 204) (L.D. 769) Bill "An Act to Change the Job Title of County Administrator to County Manager for York County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 456) (L.D. 1509) Bill "An Act to Clarify and Make Technical Corrections to Retirement Laws" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 65) (L.D. 236) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(S.P. 66) (L.D. 237) Bill "An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 100) (L.D. 326) Bill "An Act to Include a Legislator as a Voting Member of the Somerset County Budget Committee and

to Eliminate the 3 Advisory Members" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

(S.P. 190) (L.D. 662) Bill "An Act to Remove Barriers to Providing Natural Gas Services" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(S.P. 211) (L.D. 776) Bill "An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-54)**

(S.P. 279) (L.D. 990) Bill "An Act to Establish the Maine Regulatory Fairness Board" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 336) (L.D. 1143) Bill "An Act to Allow Principals of Limited Liability Corporations to Appear in Court in Forcible Entry and Detainer Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 338) (L.D. 1145) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House and the Reed Auditorium Properties, Located at the Stevens School Campus in Hallowell Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

(S.P. 362) (L.D. 1200) Bill "An Act to Direct that a Percentage of Revenue That the State Receives Be Allocated to Community Forestry" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 538) (L.D. 1669) Bill "An Act to Increase Business Opportunities at the Port of Eastport" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)**

(H.P. 252) (L.D. 288) Bill "An Act to Clarify Access to Private Lines in a Public Way" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)**

(H.P. 328) (L.D. 418) Bill "An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)**

(H.P. 584) (L.D. 739) Bill "An Act to Require That Wolf Hybrids be Tattooed and to Establish Penalties for Releasing Wolf Hybrids from Captivity" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)**

(H.P. 777) (L.D. 1021) Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)**

(H.P. 861) (L.D. 1133) Bill "An Act to Establish a Subsidy for Maine Performing Artists at Maine Fairs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)**

(H.P. 884) (L.D. 1176) Bill "An Act to Require the State to Purchase the Initial Flags That are Required for Veterans' Grave Sites" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

(S.P. 62) (L.D. 233) Bill "An Act to Criminalize the Possession of Theft Tools" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

On motion of Representative POVICH of Ellsworth, was **REMOVED** from the First Day Consent Calendar.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Compensation" (S.P. 124) (L.D. 400)

Signed:

Senators:

- RAND of Cumberland
- McALEVEY of York
- FERGUSON of Oxford

Representatives:

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

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

Signed:

Representative:

- WATERHOUSE of Bridgton

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-55).**

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" (S-55) was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, April 25, 2001.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act Concerning Indemnification and Limitation of Liability Provisions of Managed Care Participating Provider Agreements" (H.P. 389) (L.D. 510)

Signed:

Senators:

- LaFOUNTAIN of York
- DOUGLASS of Androscoggin
- ABROMSON of Cumberland

Representatives:

- DUDLEY of Portland
- CRESSEY of Baldwin
- YOUNG of Limestone
- MAYO of Bath
- O'NEIL of Saco
- SULLIVAN of Biddeford
- GLYNN of South Portland

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

Signed:

Representatives:

- SMITH of Van Buren
- CANAVAN of Waterville
- MARRACHÉ of Waterville

READ.

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

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

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

The **SPEAKER:** 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. 51

YEA - Andrews, Annis, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Mailhot, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Mitchell, Morrison, Murphy E, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Canavan, Duplessie, Hawes, Hutton, Jones, Laverriere-Boucher, Marley, Marrache, Matthews, Mendros, Michaud, O'Brien LL, Paradis, Shields, Skoglund, Smith, Twomey, Volenik.

ABSENT - Ash, Baker, Buck, Davis, Kane, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 120; No, 18; Absent, 13; Excused, 0.

120 having voted in the affirmative and 18 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)** on Bill "An Act to Eliminate Smoking in Maine Schools and on School Grounds" (H.P. 482) (L.D. 622)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

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

Signed:

Representatives:

SKOGLUND of St. George
STEDMAN of Hartland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-123)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 25, 2001.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require Proof of Identity in Order to Vote"

(H.P. 203) (L.D. 238)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)** on same Bill.

Signed:

Representative:

LABRECQUE of Gorham

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to vote against this

particular motion and go on to address an issue that we have heard over and over from our constituents and from one another. That is the issue of who is actually voting and are we sure that the person that is standing in front of that clerk is the person that they claim to be. This is one of many bills that the Legal and Veterans Affairs Committee has had to deal with in regards to this issue. I think it is the one that is the least onerous of all of them that we had. I just would urge you to vote against this and since I can't talk about the amendment, I would just urge that perhaps you would open the book and read it and then you would agree with me. Thank you Mr. Speaker.

Representative TUTTLE of Sanford **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would hope that you would support the Majority **Ought Not to Pass** Report of the Committee on Legal and Veterans Affairs. As many of you are aware, we have one of the highest voter turnout rates in the country. I think that we should not create obstacles in doing that. I think our current system works well. We had much testimony at the hearing. We have tools to ensure the election process is above board. There was no evidence at the hearing of any voters attempting to vote for another person. Maine presently does have a challenge process, both on the municipal and state level. The penalty for attempting to vote for another person is very serious. It is a Class A crime. It is punishable by up to five years and a \$5,000 fine so that the potential if anything does occur is already there. The way the bill is written it would not prevent fraud. We received testimony from the Maine Municipal Association and to paraphrase them, they believe the present system is working very well. The mechanisms are in place to solve any problems that do occur. They recommended that we defeat the bill. We also received testimony from numerous groups that thought the present system was working well. I am going to ask that we would leave a good system alone and support the Majority Report of the committee. Thank you Mr. Speaker.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask for you to consider voting against the pending motion. This bill requires that a voter at the polls show some identification, picture identification. They already have it in most cases in a driver's license. Young people who don't drive sometimes have an ID card. The Department of Registration could easily furnish ID cards for anyone who did not drive or was not young enough to carry an ID card for the purpose of buying liquor or cigarettes. Today we find that we have a transient population. There are people coming and going in most of our communities on a regular basis. It is unrealistic to expect that the poll workers will recognize people when they stand up in front of them and they say I am Charles Jones, for example. Another problem is that we have difficulty in getting poll workers so it is sometimes quite close to the voting time when you get all of your poll workers lined up so that you have new people every year. For those reasons and just the general reason of knowing for sure who that individual is when you check them off on the voting list, I would ask that you vote against the pending motion and go on to pass this bill.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I would urge that you look at the report. It is a 12 to 1 vote of the committee. It is a bipartisan report. I would urge that you would support the committee. We have heard anecdotal evidence of problems, but as the good chairman of the committee indicated, there have been no cases going to court on this. Photo IDs are good for some people. The elderly who like to vote and who do not have a driver's license and do not have access to one and would have to go to a state office or a municipal office to pick one up. It also does nothing for absentee voting. For those reasons and all of those who were cited earlier by the good chairman of the committee, I would urge you to accept the Majority Ought Not to Pass Report. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Just as a point of information for the membership, requiring an ID, there would probably be about 53,000 licensed drivers ages 65 and older who would not have a photo license or identification. Based upon the information given to us by the Secretary of State at about \$2.15 a piece, there would a fiscal impact of \$113,950.

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

ROLL CALL NO. 52

YEA - Bagley, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Murphy E, Muse C, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Chase, Clough, Collins, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Hawes, Honey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, McNeil, Michael, Nass, O'Brien JA, Peavey, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Ash, Baker, Buck, Davis, Kane, Landry, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 100; No, 37; Absent, 14; Excused, 0.

100 having voted in the affirmative and 37 voted in the negative, with 14 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Preserve the Right to Air-dry Laundry" (H.P. 1126) (L.D. 1523)

Signed:
Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
MURPHY of Berwick
CHASE of Levant
LESSARD of Topsham

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

Signed:

Representatives:

McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
HASKELL of Milford
CRESSEY of Baldwin

READ.

Representative BAGLEY of Machias moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act to Restructure the Kennebec County Advisory Budget Committee" (H.P. 1226) (L.D. 1673)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford

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

Signed:

Representatives:

KASPRZAK of Newport
CRESSEY of Baldwin

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 25, 2001.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act to Streamline Installation of Private Electrical Lines" (H.P. 640) (L.D. 840)

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
 CRABTREE of Hope

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

Signed:
 Representative:
 GOODWIN of Pembroke

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 331) (L.D. 421) Bill "An Act to Reinstitute the Auditing of State Agencies by the Department of Audit" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)**

(H.P. 340) (L.D. 430) Bill "An Act to Encourage Equity Equivalent Loans or Investments in Nonprofit Community Economic Development Organizations" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILLS HELD

Bill "An Act to Streamline the Administration of the Potato Marketing Improvement Fund"

(S.P. 451) (L.D. 1505)
 (C. "A" S-50)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-50).**

HELD at the Request of Representative MAYO of Bath.

On motion of Representative MAYO of Bath, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-50).**

The same Representative **PRESENTED House Amendment "A" (H-152)** which was **READ** by the Clerk.

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

Representative **MAYO:** Mr. Speaker, Men and Women of the House. I apologize for any part I played in the erroneous script.

This is a technical amendment coming from the Committee on Engrossed Bills. It is the first time this year and maybe the last time. The amendment provides technical corrections to the section providing funds to the Department of Agriculture, Food and Rural Resources. To clarify that the funds are allocated from other special revenue funds and not regular appropriations.

House Amendment "A" (H-152) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-50)** and **House Amendment "A" (H-152)** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-113) - Committee on JUDICIARY on Bill "An Act to Allow a Person to Take the Bar Examination without Attending Law School"

(H.P. 781) (L.D. 1025)

Which was **TABLED** by Representative LaVERDIERE of Wilton pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **LAVERDIERE:** Mr. Speaker, Men and Women of the House. This bill does not need a great deal of debate. It is pretty straightforward. It is asking the Legislature to allow people to take the bar exam without going to law school. The committee looked at this very carefully and after a considerable amount of debate, agreed that this was not in the best interest of the people of the State of Maine. The consumers that purchased legal services, we feel that it is important that people attend and receive the necessary training prior to taking the bar exam. The committee voted Ought Not to Pass and I would ask the members of this body to join with the committee in voting Ought Not to Pass. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Auburn, Representative Michael.

Representative **MICHAEL:** Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to vote against the pending motion. This bill is a people's bill. It desires to allow the old system of studying law, the old option that was called reading the law, to come back into affect and it brings us back to the future. It intends to require people to spend three years or more studying and apprenticeship under an attorney and that is the system that was in effect until 30 years ago in the State of Maine. I remember my dad pointing out to me when I was a kid several attorneys around town who had not attended law school for whatever reason, they could not afford it, they were underprivileged, they couldn't get the time off from work or whatever, but they are very good attorneys. Indeed, scuttlebutt around the State House led me to former Congressman Stan Tupper who did not attend law school, but who was a member of the bar. Also, today one of the lobbyists who used to serve in this body reminded me that former democratic activist, a friend of mine up in Bangor, Marshall Sterns, apparently attended some law school, but never graduated and studied instead under his dad. He was a very, very fine attorney sought by many, many people around the State of Maine.

Typically, it used to be that a clerk could be paid for his services while they studied or read the law so that they could earn money if they were not of a great income. This is in many ways an anti-elegist bill. It stops the system where you must

qualify for the bar before you can take the bar. You need to be of a certain income level, a certain privileged makeup.

Former Congressman Tupper said that when he was practicing law that there were 42 people, I think, who took the bar when he took the bar. Half of them passed and half of those had never attended law school. There were Supreme Court Judges in the State of Maine that never went to law school. They were very capable people. He mentioned his father who practiced law in every county of the State of Maine. He was a democratic State Senator. He was a Maine Attorney General and municipal judge and he did a very, very fine job. There is no reason I can think of to require people to go to law school when they can be taught just as well in a system of training under an attorney.

It is a people's bill. It is a poor person's bill. It supports women and men who want to stay home and take care of the kids and cannot fit into the very rigid system of law school and to study part time under an attorney. I hope you would give it some consideration today. Thank you.

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

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 53

YEA - Bagley, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chizmar, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hatch, Hutton, Jacobs, Jodrey, Jones, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Muse C, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tuttle, Usher, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Blanchette, Carr, Chase, Chick, Clark, Clough, Cressey, Dorr, Dugay, Duplessie, Duprey, Glynn, Hall, Haskell, Hawes, Heidrich, Honey, Kasprzak, Lovett, MacDougall, Mendros, Michael, O'Brien JA, O'Brien LL, Perkins, Pinkham, Snowe-Mello, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse.

ABSENT - Ash, Baker, Buck, Davis, Kane, Landry, Madore, McKenney, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 100; No, 36; Absent, 15; Excused, 0.

100 having voted in the affirmative and 36 voted in the negative, with 15 being absent, and accordingly the Majority

Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-114) - Minority (4) Ought Not to Pass - Committee on **LABOR** on Bill "An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance" (H.P. 423) (L.D. 544)

Which was **TABLED** by Representative BUNKER of Kossuth pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-114)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 25, 2001.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 12, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-17) - Committee on TRANSPORTATION on Bill "An Act to Establish a Light Trailer Transporter Plate and License"

(S.P. 56) (L.D. 220)

- In Senate, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-17)**.

TABLED - March 28, 2001 (Till Later Today) by Representative FISHER of Brewer.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-17).

Representative FISHER of Brewer **PRESENTED** House **Amendment "A" (H-136)** to **Committee Amendment "A" (S-17)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-17) as Amended by House Amendment "A" (H-136) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, April 25, 2001.

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

On motion of Representative TRACY of Rome, the House adjourned at 7:10 p.m., until 9:00 a.m., Wednesday, April 25, 2001.