

# 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  
41st Legislative Day  
Wednesday, May 2, 2001

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

Prayer by Deacon George Stevens, Jr., St. Ann's Church, Indian Township and Arnie Neptune, St. Ann's, Indian Island.

Pledge of Allegiance.

Doctor of the day, Alexander Brazalovich, D.O., Saco.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 605)

**JOINT RESOLUTION HONORING THE AREA  
AGENCIES ON  
AGING AND RECOGNIZING MAY AS OLDER  
AMERICANS MONTH**

WHEREAS, We are committed to the inherent dignity of the individual in our democratic society; and

WHEREAS, the older people of our State are entitled to health, honor, dignity, freedom, independence and efficient community services; and

WHEREAS, senior citizens and their families have a right to effective services and easy access to information about those services; and

WHEREAS, the 5 area agencies on aging in our State, the Aroostook Area Agency on Aging, Eastern Agency on Aging, Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Agency on Aging, have been serving as the most comprehensive source of information and assistance for Maine's senior citizens for over 25 years; and

WHEREAS, the area agencies on aging have, since 1972, served over 4,000,000 people in various capacities, including delivering over 7,000,000 meals and providing meal sites, affordable housing opportunities, transportation, companions and assistance in negotiating the system; and

WHEREAS, over 3,500 volunteers each year have the opportunity to serve Maine's senior citizens through the area agencies on aging; and

WHEREAS, the area agencies on aging and their volunteer boards of directors serve as the focal point for senior citizens within our Maine communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this opportunity to recognize the month of May as Older Americans Month and on this occasion commend the 5 area agencies on aging for their services to Maine's senior citizens and their families and urge the agencies to continue their excellent work; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each of the 5 area agencies on aging.

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

**READ** and **ADOPTED** in concurrence.

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The following Joint Order: (S.P. 606)

ORDERED, the House concurring, that Bill, "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities," S.P. 331, L.D. 1099, and all its accompanying papers, be recalled from the legislative files to the Senate.

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

**READ**.

On motion of Representative NORBERT of Portland, **TABLED** pending **PASSAGE** and later today assigned.

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The following Joint Order: (S.P. 608)

ORDERED, the House concurring, that Bill, "An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License," S.P. 208, L.D. 773, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

**READ**.

On motion of Representative NORBERT of Portland, **TABLED** pending **PASSAGE** and later today assigned.

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**Non-Concurrent Matter**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001 (EMERGENCY)

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

**PASSED TO BE ENGROSSED** in the House on April 25, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-108)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

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**Non-Concurrent Matter**

Bill "An Act to Fairly Distribute the Payment of Real Estate Transfer Taxes"

(H.P. 729) (L.D. 949)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)** in the House on April 26, 2001.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative GREEN of Monmouth, the House voted to **ADHERE**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 225)

**STATE OF MAINE**

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

April 25, 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. 753 An Act to Create a Farmland and Open Space for the Community Board  
L.D. 1458 An Act Regarding Forest Sustainability  
L.D. 1501 An Act to Amend the Laws Governing Commercial Large Game Shooting Areas  
L.D. 1587 An Act to Amend the Commercial Large Game Shooting Area to Change the Date of Operation

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. 226)

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

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

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

- L.D. 946 An Act to Excuse Animal Control Officers from Attending the Maine Criminal Justice Academy  
L.D. 1014 An Act to Require Legislative Approval of Certain Land Purchases by the Land for Maine's Future Board

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. 227)

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

April 25, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 303 An Act to Appropriate Funds to Assist in Removing a Hazardous Dam  
L.D. 433 An Act to Provide Funding to the Wells National Estuarine Reserve Research Center  
L.D. 1520 An Act to Continue the Peer Support Program

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

Sincerely,  
S/Sen. Jill M. Goldthwait  
Senate Chair  
S/Rep. Randall L. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 228)

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

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

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

- L.D. 894 An Act to Provide Adequate Funding for HIV and AIDS Care and Prevention  
L.D. 1127 An Act to Fund Uncollectible, Outstanding Accounts Receivable of 28 Community and Indian Health Centers  
L.D. 1338 An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill  
L.D. 1597 An Act to Promote Growth in Western Maine  
L.D. 1616 An Act to Assist Regional Service Centers With the Construction of Parking Garages

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

Sincerely,  
S/Sen. Jill M. Goldthwait  
Senate Chair  
S/Rep. Randall L. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 229)

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

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

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 801 An Act to Authorize the State and Participating Municipalities to Pool Health Care in a Joint Venture

L.D. 1400 An Act to Provide Health Insurance to Uninsured Maine Residents

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. 230)

**STATE OF MAINE**

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

April 28, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 1227 An Act to Provide for the Disclosure of Company Information and Appointment of a Registered Agent in Maine by Persons or Business Entities Selling or Leasing Goods or Services via the Internet

L.D. 1438 An Act to Strengthen the Maine Sister City Relationship with Aomori, Japan

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. 231)

**STATE OF MAINE**

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

April 28, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 1521 An Act to Broaden the Crime of Abuse of a Corpse

L.D. 1701 An Act to Clarify Parental Rights and Responsibilities When Children are Placed in the Custody of the Department of Human Services as a Result of Court Proceedings Governed by the Maine Juvenile Code

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

Sincerely,

S/Sen. Michael J. McAlevey

Senate Chair

S/Rep. Edward J. Povich

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 232)

**STATE OF MAINE**

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

April 25, 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. 1496 Resolve, to Preserve Elderly Congregate Housing Demonstration Services

L.D. 1706 An Act to Reduce the Cost of Administration of the Medicaid Program

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. 233)

**STATE OF MAINE**

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

April 28, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 1072 An Act to Ensure that Parents of Children Prescribed Psychotropic Drugs Receive Adequate Information
- L.D. 1367 Resolve, to Ensure Access to Care for Breast and Cervical Cancer for Medicaid Recipients
- L.D. 1484 Resolve, to Require Medicaid Reimbursement for Hearing Aids and Dental Care for Adults
- L.D. 1685 Resolve, to Change Eligibility for Persons who Transfer Assets and Move into Assisted Living Facilities
- L.D. 1687 An Act Regarding People with Disabilities and the Use of Service Animals

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.**

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The Following Communication: (H.C. 234)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 25, 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. 427 An Act to Delegate the Authority to Regulate Personal Watercraft in Unorganized Territories to County Commissioners
- L.D. 940 An Act to Improve Funding for Snowmobile Trail Maintenance
- L.D. 1186 Resolve, to Address the Problem of Illegal Fish Stocking
- L.D. 1225 An Act to Establish a Nonresident Taxpayer Fishing License
- L.D. 1419 An Act to Provide for Public Access to Fish, Game and Wildlife Resources
- L.D. 1500 An Act to Require Proof of Health Insurance for Operators of ATVs and Snowmobiles

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.**

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The Following Communication: (H.C. 235)

**STATE OF MAINE**

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

April 25, 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. 512 An Act to Encourage HIV Testing of Pregnant Patients
- L.D. 1347 An Act to Restrict the Issuance of Recreational Licenses for Nonpayment of Child Support
- L.D. 1355 An Act to Prohibit the Use of Memorandum Decisions
- L.D. 1364 An Act to Decrease the Length of Time a Person Has to Make Child Support Payments Before Being Considered Not In Compliance

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

Sincerely,  
S/Sen. Anne M. Rand  
Senate Chair  
S/Rep. Charles C. LaVerdiere  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 236)

**STATE OF MAINE**

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

April 25, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 1051 Resolve, Directing the Maine State Retirement System to Report on the Establishment of a Universal Special Retirement Plan for Law Enforcement Officers
- L.D. 1212 An Act to Improve Maine's Unemployment Compensation System for School Bus Drivers

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

Sincerely,  
S/Sen. Betheda G. Edmonds  
Senate Chair  
S/Rep. George H. Bunker Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 237)

**STATE OF MAINE**

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

April 28, 2001

Honorable Michael H. Michaud, President of the Senate

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

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

- L.D. 748 An Act to Lower the Early Withdrawal Penalty on Teacher Retirement to 2 1/2 Percent
- L.D. 890 An Act to Provide a Reduction in the Early Retirement Penalty for Teachers and State Employees
- L.D. 1469 An Act to Restore Teacher and State Employee Retirement Benefits
- L.D. 1631 An Act to Provide Exemptions from the 5% cap on Earnable Compensation for Retirement Purposes

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

Sincerely,  
S/Sen. Betheda G. Edmonds  
Senate Chair  
S/Rep. George H. Bunker Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 238)

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

April 25, 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. 372 An Act to Clarify Municipal Authority Over Cable Television Franchises
- L.D. 866 An Act to Amend the Budget Process for Sagadahoc County
- L.D. 1220 An Act to Require Notice of Use Changes for State Property
- L.D. 1387 An Act to Require the Secretary of State to Make Available at Cost the Laws of Maine on CD-ROM
- L.D. 1388 An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission

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

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

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 239)

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

April 25, 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. 362 An Act to Exempt Current Property Owners from Fees for Existing Rights-of-Way Across Train Lines
- H.P. 720 Joint Select Commission to Examine the Laws Governing the Operation of Emergency Vehicles

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. 240)

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

April 25, 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. 1229 An Act to Assist the State's Ski Industry through the Provision of Special Electric Rate Contracts
- L.D. 1618 An Act to Review Utility Easements on a Periodic Basis
- H.P. 719 Special Legislative Oversight Committee for Regional Electricity Issues

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.P. 607)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

April 30, 2001

Hon. Kevin L. Shorey, Senate Chair  
Joint Standing Committee on Business and Economic  
Development

Hon. John Richardson, House Chair  
Joint Standing Committee on Business and Economic  
Development

120th Legislature  
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:  
Please be advised that Governor Angus S. King, Jr. has  
nominated Brian E. Thibeau of Hermon for reappointment and  
James O. Donnelly of Brewer for appointment as members of the  
Loring Development Authority of Maine.

Pursuant to Title 5, M.R.S.A. §13080-B, these nominations will  
require review by the Joint Standing Committee on Business and  
Economic Development and confirmation by the Senate.

Sincerely,  
S/Michael H. Michaud  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the  
Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS  
AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.C. 243)

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

May 1, 2001

The Honorable Millicent M. MacFarland  
Clerk of the House

2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous  
action whereby it accepted the Majority Ought Not To Pass  
Report from the Committee on Agriculture, Conservation and  
Forestry on "An Act to Prohibit Certain Conduct Relating to  
Elephants" (H.P. 488) (L.D. 628).

Sincerely,  
S/Joy J. O'Brien

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

**ORDERS**

On motion of Representative SOCTOMAH of the  
Passamaquoddy Tribe, the following Joint Resolution: (H.P.  
1326) (Under suspension of the rules, cosponsored by Senator  
SHOREY of Washington and Representatives: BRUNO of  
Raymond, COLWELL of Gardiner, GOODWIN of Pembroke,  
LaVERDIERE of Wilton, LORING of the Penobscot Nation,  
NORBERT of Portland, Speaker SAXL of Portland, SCHNEIDER  
of Durham, Senators: CATHCART of Penobscot, President  
MICHAUD of Penobscot)

**JOINT RESOLUTION RECOGNIZING AND HONORING**

**MAINE'S WABANAKI PEOPLE**

WHEREAS, the Wabanaki people, the people of the Dawn,  
including the Passamaquoddy, the Penobscot, the Maliseet and  
the Micmac, have lived in Maine for thousands of years; and

WHEREAS, the Wabanaki people have defended this State  
and Country in every war since 1776; and

WHEREAS, the Wabanaki people have contributed much to  
our State's heritage; and

WHEREAS, the State of Maine recognizes the contributions  
made to our State by the Wabanaki people; and

WHEREAS, the State of Maine respects and honors the  
Wabanaki people and their cultures; and

WHEREAS, we encourage educators in Maine to teach our  
children about the Wabanaki people and their contributions to  
the State of Maine; and

WHEREAS, we look toward the future as an opportunity to  
better understand and work side by side with the Wabanaki  
people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred  
and Twentieth Legislature now assembled in the First Regular  
Session, on behalf of the people of the State of Maine, make  
history as we welcome our Wabanaki brothers and sisters to the  
State House today, May 2, 2001, on the occasion of Wabanaki  
Awareness Day; and be it further

RESOLVED: That suitable copies of this resolution, duly  
authenticated by the Secretary of State, be transmitted to the  
Governors and Chiefs of each of Maine's 5 Wabanaki  
communities on behalf of the people of the State of Maine.

**READ.**

The SPEAKER: The Chair recognizes the Representative  
from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the  
House. Today we celebrate Wabanaki Awareness Day. A day  
to recognize a unique culture and traditions of the  
Passamaquoddy, Penobscot, Maliseet and Micmac Tribes. For  
the last 10,000 years the tribes have lived on this land and  
adapted in order to survive. That adaptation continues today.  
We maintain traditional values in a modern day society. We  
must do this for our culture to survive. Our native language,  
which once was banned in the schools, is now being taught in  
schools. Our children understand the responsibility, to carry on  
the culture so that pride will continue. Today we come forward to  
share a little bit of our culture with the state. Both the state and  
the tribes have made some positive moves toward a better  
understanding. Today is a good day for the Legislature to learn  
about the tribes. Look at the tribal display tables of crafts, our  
history, but also look at the displays of our future, our past is our  
present. Our present is our future. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of  
the House. I stand here proudly on Wabanaki Awareness Day  
all too aware of the fact that many of us, including myself, were  
culturally unaware for such a long time. The Wabanaki people of  
the State of Maine have suffered. They have suffered  
misunderstanding, misconceptions, stereotypes, malnutrition,  
starvation, exploitation, physical and mental abuse, verbal  
derivation and the greatest land swindle in the history of the  
United States. They have been left out of textbooks. They have  
been denied the right to vote in the United States, or they were  
denied the right to vote in the United States until 1927 and in the  
State of Maine until 1954. They have been caricatured in print  
and on the screen. They have been portrayed falsely as  
barbarians. They have been victimized in insensitive ethnic  
humor and we almost succeeded in their complete genocide.



Not too long ago the head of the University of Maine at Augusta who is an African American spoke to some of my students about some of the injustices, which African Americans have suffered. Some of our students at the end of the hour said to the esteemed scholar, but you make us feel so bad. We didn't do that. We were not there. I shall never forget his words. Looking at them and speaking quietly, he said, "If you are white, you have benefited from being white. You are the descendents of the people who committed those injustices." I feel the same way about the way that we treated the Native people of the State of Maine. That knowledge, however, now implies responsibility. The great story though is that the Native peoples of the State of Maine survived thanks to the Great Spirit, the Wabanaki Peoples are still here. They survived to tell their story and to reclaim some of what was and is rightfully theirs, to speak their language with pride. I am so proud of their efforts to be here today to tell their story and to share their culture and history with us.

May we hear today as well as listen? We have an opportunity to role model for our children and our state an attitude, which fosters understanding, an attitude which bodes well not only for our multi-cultural present, but for our multi-cultural future. May that attitude be one of silence, humility, respect and great appreciation and gratitude for the gifts of the Wabanaki people and for the gifts of the Great Spirit? May we, as a Legislature, join the people of the dawn as legislators of the dawn and the gifts that that dawn brings each day, the light and the truth? I hope that as many people as can possibly join us today in that celebration and in the Wabanaki Awareness Day in the late morning. Thank you very much.

**ADOPTED.**

Sent for concurrence.

On motion of Representative FISHER of Brewer, the following Joint Order: (H.P. 1327) (Cosponsored by Senator O'GARA of Cumberland and Representatives: BOUFFARD of Lewiston, WHEELER of Bridgewater)

WHEREAS, this joint study order establishes the Committee to Study the Authorization of Specialty License Plates; and

WHEREAS, during the First Regular Session of the 120th Legislature, the Joint Standing Committee on Transportation has considered the following requests for new specialty license plates:

1. Emergency Medical Technician License Plate;
2. Start ME Right License Plate;
3. Registered Maine Guide License Plate;
4. Sportsman's License Plate;
5. Maine Indian Tribe License Plate;
6. Maine Lobster License Plate;
7. Redesign of the Environmental License Plate;
8. Education License Plate;
9. Maine Black Bears License Plate; and
10. Native Mainers License Plate; and

WHEREAS, a consistent process is necessary to authorize and administer specialty license plates; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Authorization of Specialty License Plates is established as follows.

1. **Committee established.** The Committee to Study the Authorization of Specialty License Plates, referred to in this order as the "committee," is established.

2. **Committee membership.** The committee consists of those Legislators who serve on the Joint Standing Committee on Transportation.

3. **Committee chairs.** The Senate chair of the Joint Standing Committee on Transportation is the Senate chair of the committee and the House chair of the Joint Standing Committee on Transportation is the House chair of the committee.

4. **Convening of committee.** The chairs of the committee shall call and convene the first meeting of the committee no later than August 1, 2001.

5. **Duties.** The committee shall hold a minimum of 6 meetings. The committee shall gather information and request necessary data from the Secretary of State's office and the Department of Public Safety in order to determine the issues regarding legislative authorization of specialty license plate requests. These issues include:

- A. Statutory requirements;
- B. Impacts on state resources; and
- C. Public safety concerns.

The committee shall study the experiences of other states that authorize specialty license plates and shall consider viable alternatives to the issuance of specialty license plates.

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

7. **Compensation.** The members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings to fulfill their duties as charged.

8. **Report.** The committee shall submit its report together with any recommended implementing legislation to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant the extension. Upon submission of its required report, the committee terminates.

9. **Budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

**READ and REFERRED** to the Committee on **TRANSPORTATION.**

Sent for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Edward Hinckley, of Vienna, who served as the first Commissioner of the Department of Indian Affairs for the State of Maine. Mr. Hinckley was instrumental in helping the tribes gain funding to fight malnutrition, increase educational opportunities and to provide better housing. We send our appreciation to Mr. Hinckley for his dedication and commitment to help foster a good relationship between the State and the native tribes;

(HLS 271)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator SHOREY of Washington, Representative GOODWIN of Pembroke, Representative PINEAU of Jay, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative SOCTOMAH of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the House. Today we honor Ed Hinckley, the first Commissioner of the Department of Indian Affairs, the first of its kind in the country. This was formed in the '70s. He worked with the Passamaquoddy and Penobscot Tribes. It was a new era to have a person like Ed working with the tribes, instead of against the tribes. He had addressed numerous problems within the Native community and the state and tribal relations. The tribe would like to express our appreciation to Mr. Hinckley.

**PASSED** and sent for concurrence.

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**Recognizing:**

Gail Sockabasin, Director of the Wabanaki Center at the University of Maine. Ms. Sockabasin's dedicated service within the university has helped native students gain access to higher education. She has also been instrumental in developing unique programs to help the university and native communities interact with one another. We send our appreciation to Ms. Sockabasin for her dedication and commitment to the native tribes in our State;

(HLS 274)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator SHOREY of Washington, Representative GOODWIN of Pembroke, Representative LORING of the Penobscot Nation, Senator CATHCART of Penobscot.

On **OBJECTION** of Representative SOCTOMAH of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the House. Today we would like to acknowledge Gail Sockabasin's contributions to the Native community and the university system. She developed a unique system where the language and the education of Native people are being acknowledged in the university. She is also a graduate of the university. Thank you.

**PASSED** and sent for concurrence.

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**Recognizing:**

Theresa Hoffman, President of the Maine Basket Makers Alliance, for her dedicated work towards the advancement of Indian basket making as an art form. During her tenure as president, she has initiated several unique training programs for the young and other interested people. Her commitment to the native communities has helped a new generation learn the skill of basket making;

(HLS 277)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator SHOREY of Washington, Representative GOODWIN of Pembroke, Representative LORING of the Penobscot Nation, Senator CATHCART of Penobscot.

On **OBJECTION** of Representative SOCTOMAH of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the House. Theresa holds a very special position. She is President of the Maine Basket Makers Alliance. They tour the state and they promote goodwill and show the crafts of the Native people of this state to tourists and the people of this state. On a yearly event that she has continued to process is the Basket Makers Alliance festival in Bar Harbor. She also has initiated several programs to get our youth involved with some of the elder basket makers to continue that tradition. I would like to thank Theresa for her good work.

**PASSED** and sent for concurrence.

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**Recognizing:**

Catherine Carswell, of Portland, for her services to the State as a member of the State Legislature from 1957 to 1968 and 1971 to 1972, and her valuable work with the Department of Indian Affairs in Maine. We send our appreciation to Mrs. Carswell for her dedication and commitment to seeking justice for the tribes;

(HLS 280)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Representative LORING of the Penobscot Nation, Representative DUDLEY of Portland, Speaker SAXL of Portland, Representative McDONOUGH of Portland, Representative QUINT of Portland, Representative NORBERT of Portland, Representative BRANNIGAN of Portland, Representative MARLEY of Portland, Representative CUMMINGS of Portland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland.

On **OBJECTION** of Representative SOCTOMAH of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Members of the House. I met Catherine Carswell about two years ago. This wonderful lady offered to help with some tribal legislation. During that time, I realized she was seeking peaceful justice for the tribe and for the state. It is a rare occasion to find such a person. She is a former legislator and worked in the Department of Indian Affairs in the '70s. I wish to offer her my appreciation for her work with the tribes and the state in opening a new era of dialogue. Thank you.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. I also rise to honor my friend and constituent Catherine "Kitty" Carswell who is behind the glass today. She has been a true inspiration to me. She has a beautiful philosophy of life, a strong commitment to social justice and as the Representative just mentioned, a great commitment to improving relations with our Native peoples. Kitty Carswell

was first selected 44 years ago. She is an extremely vibrant person still. She roller blades in our neighborhood back in Portland. She is very active in the organization, Cyber Seniors. We were sharing some words this morning and she told me that 44 years ago she was sworn in by then Governor, Ed Muskie, and she wore a great big hat. She said the style back then with the women legislators was to wear hats with feathers. Her hat had bird and chicken feathers and also horse feathers. She remembers that day very well when she sat in seat 132, which is occupied by another terrific spunky woman, the good Representative from Berwick, Representative Murphy. Kitty and her husband Charlie are here. As the Representative mentioned, she was very active in the legislation to remove offensive names from state signs. I just want to thank Ms. Carswell for inspiration and all her good work.

**PASSED** and sent for concurrence.

**Recognizing:**

Elizabeth Lorraine Neptune Sockbeson, who has served the Penobscot Tribe since 1976. She served on the Tribal Council for 12 years and has advocated for Indian people for more than 30 years, working with tribal governors, the Penobscot Job Corps and serving as a board member for the Central Maine Indian Association. Ms. Sockbeson has worked as a Housing Improvement Coordinator for almost 20 years and was instrumental in forming a coalition of state and federal officials to make housing affordable and accessible to tribal members. We join the Penobscot Nation in sending her our appreciation for her years of service and untiring advocacy for Maine Indian people;

(HLS 282)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Speaker SAXL of Portland, President MICHAUD of Penobscot, President Pro Tem BENNETT of Oxford, Senator CATHCART of Penobscot, Representative HASKELL of Milford, Representative SOCTOMAH of the Passamaquoddy Tribe, Senator SMALL of Sagadahoc, Senator DAVIS of Piscataquis, Senator TREAT of Kennebec, Senator DAGGETT of Kennebec, Representative SCHNEIDER of Durham, Representative BRUNO of Raymond, Representative NORBERT of Portland, Representative COLWELL of Gardiner, Representative McKEE of Wayne, Representative BAKER of Bangor, Representative BROOKS of Winterport, Representative TWOMEY of Biddeford, Representative JACOBS of Turner, Representative BULL of Freeport.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative LORING: Mr. Speaker, Men and Women of the House. I am very proud to bring this sentiment before the body since this is my sister. I think she has done some great work and should be recognized for it, but not only that, if it was just her work that she had done, that would be recognizable too. In the meantime, she has brought up eight children and she is divorced. That, in itself, would be a reason to recognize her. One of those children got a Masters at Harvard. Another is a graduate of Dartmouth. Another is working for FAA. I think she has done a terrific and admirable job. I love you Beth.

**PASSED** and sent for concurrence.

**Recognizing:**

Frederick H. Becker, who has served the Penobscot Nation since 1979. He has served as a Tribal Council member and as a member of the Recreation Committee. He sponsors youth to attend recreational and summer camps as well as Halloween and Christmas parties. Mr. Becker is the Penobscot Nation's Emergency Management Coordinator and Fire Chief. He coordinates emergency efforts for the Penobscot Nation and guided the community through its last major flood and the ice storm. He is well-respected, trustworthy and dependable. We join the Penobscot Nation in sending him our appreciation for his dedication and commitment to the Penobscot Nation;

(HLS 285)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Speaker SAXL of Portland, President MICHAUD of Penobscot, President Pro Tem BENNETT of Oxford, Senator CATHCART of Penobscot, Representative HASKELL of Milford, Representative SOCTOMAH of the Passamaquoddy Tribe, Senator SMALL of Sagadahoc, Senator DAVIS of Piscataquis, Senator TREAT of Kennebec, Senator DAGGETT of Kennebec, Representative SCHNEIDER of Durham, Representative BRUNO of Raymond, Representative NORBERT of Portland, Representative COLWELL of Gardiner, Representative McKEE of Wayne, Representative BAKER of Bangor, Representative BROOKS of Winterport, Representative TWOMEY of Biddeford, Representative JACOBS of Turner, Representative BULL of Freeport.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative LORING: Mr. Speaker, Men and Women of the House. It is again my honor and pleasure to have a sentiment for Fred Becker. I have known Fred for many years. Whenever there was an emergency or the nation needed him, regardless of what that task was, he was always there. Fred, I thank you for being there for the nation and for the children.

**PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances"

(S.P. 203) (L.D. 768)

Signed:

Senators:

O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth

O'BRIEN of Lewiston

QUINT of Portland

PEAVEY of Woolwich

MITCHELL of Vassalboro

WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-95)** on same Bill.

Signed:

Senator:

McALEVEY of York

Representatives:

TOBIN of Dexter  
SNOWE-MELLO of Poland

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

**READ.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-213)** on Bill "An Act to Offer Reciprocity Concerning Concealed Firearms Permits"

(H.P. 224) (L.D. 259)

Signed:

Senators:

McALEVEY of York  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
TOBIN of Dexter  
PEAVEY of Woolwich  
SNOWE-MELLO of Poland  
WHEELER of Bridgewater

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

Signed:

Senator:

O'GARA of Cumberland

Representatives:

QUINT of Portland  
GERZOFKY of Brunswick  
MITCHELL of Vassalboro

**READ.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Regulate Obscenity"

(H.P. 652) (L.D. 852)

Signed:

Senators:

McALEVEY of York  
O'GARA of Cumberland

Representatives:

POVICH of Ellsworth  
BLANCHETTE of Bangor  
TOBIN of Dexter  
QUINT of Portland  
GERZOFKY of Brunswick  
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)** on same Bill.

Signed:

Representative:

SNOWE-MELLO of Poland

**READ.**

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House. This happens to be my bill and I am well aware with the way the report comes out that it will not go anywhere. I feel on behalf of my constituents and my granddaughter who I am raising, that I must at least speak on the record for this bill. This bill is, as is presented now, is completely different from the original bill. In the original bill I put in on behalf of several constituents, but I had something happen to me that kind of made my passionate about this issue. I am going to tell you what happened. You will probably laugh, but I found it rather offensive. In one of my other lives, I have a jam and jelly business. To help the production of my fruit, we have honeybees. One week my granddaughter was assigned to do a research project on honeybees. I was also looking up a new medication for treatment for a disease for honeybees. I typed in the title honeybees on the internet and started going down through the sites opening up to see if I could get information on this new medication. In the process, I opened up two sites with gross pornography. I don't have objection to anyone who wishes to observe this sort of thing, but I find it offensive that I am subject to that without seeking it. Perhaps it could have been my granddaughter doing her research project on honeybees that went down through that same site and opened up that gross pornography. I brought the bill to the committee.

The Minority Report is Ought to Pass as Amended by Committee Amendment "A." What this does is it forms a committee to look at federal laws and different state laws to see if perhaps we could come up with some guidelines for communities and other states on how to control exposure of pornography to minors. I have to also say that since I presented that bill, when I go home on a Friday, I have 70 to 80 e-mails. A lot of them are dealing with legislative business. I have seen some e-mails that say, don't open, if you are under 18. I have gone down through other e-mails when the title didn't tell me that perhaps this might be offensive material and felt that in order to serve my constituents, that I needed to open up these letters. It was gross, obscene material. I feel it is very important that we look to do something to protect our youth and also those of us who don't wish to be exposed to this sort of material or have some recourse when we are.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

Representative ANDREWS of York **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: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. LD 852, "An Act to Regulate Obscenity," received a 8 to 1 Ought Not to Pass recommendation from the Criminal Justice Committee. The amendment which replaces the bill now recommends by resolve to create the commission to study pornography. The Criminal Justice Committee determined that there was not a problem that needed to be addressed by criminalizing obscenity or by creating a study commission to study pornography because current Maine law already criminalizes the worst abusers of obscenity, the creation of obscenity depicting minors, whether on line or off line, as well as the dissemination and possession and the display of obscenity to

minors. That is already criminalized. Of course, whether adults wish to purchase or disseminate pornography to other adults is protected free speech. The committee determined that our scarce resources need to be focused in other areas. I urge you to support the Majority Ought Not to Pass Report. Thank you.

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

**ROLL CALL NO. 82**

YEA - Ash, Bagley, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Baker, Belanger, Berry DP, Bowles, Buck, Canavan, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Marrache, McKenney, Morrison, Murphy E, Murphy T, Pinkham, Sherman, Shields, Snowe-Mello, Tobin J, Treadwell, Waterhouse, Weston, Young.

ABSENT - Bliss, Bunker, Madore, Muse C, Muse K, Quint, Stedman.

Yes, 103; No, 41; Absent, 7; Excused, 0.

103 having voted in the affirmative and 41 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)** on Bill "An Act to Strengthen the Maine Rx Program"

(H.P. 376) (L.D. 478)

Signed:

Senators:

LONGLEY of Waldo  
MARTIN of Aroostook

Representatives:

FULLER of Manchester  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
BROOKS of Winterport

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

O'BRIEN of Augusta

SHIELDS of Auburn  
NUTTING of Oakland  
LOVETT of Scarborough

**READ.**

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)** on Resolve, to Create a State-run Pharmacy Benefits Manager

(H.P. 706) (L.D. 921)

Signed:

Senators:

LONGLEY of Waldo  
MARTIN of Aroostook

Representatives:

FULLER of Manchester  
BROOKS of Winterport  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
LOVETT of Scarborough  
O'BRIEN of Augusta  
SHIELDS of Auburn

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

Signed:

Senator:

TURNER of Cumberland

**READ.**

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

Representative BRUNO of Raymond asked leave of the House to be excused from voting on L.D. 921 pursuant to House Rule 401.12.

The Chair granted the request.

Representative NUTTING of Oakland asked leave of the House to be excused from voting on L.D. 921 pursuant to House Rule 401.12.

The Chair granted the request.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 83**

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E,

Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Nass, O'Brien JA, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bliss, Buck, Bunker, Chick, Goodwin, Madore, Muse C, Muse K, Quint, Stedman.

Yes, 90; No, 49; Absent, 10; Excused, 2.

90 having voted in the affirmative and 49 voted in the negative, with 10 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-251)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** later in today's session.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Clarify the Relationship between State Agencies and Faith-based Organizations Regarding Charitable Choice Options"

(H.P. 865) (L.D. 1137)

Signed:

Senators:

LONGLEY of Waldo  
MARTIN of Aroostook  
TURNER of Cumberland

Representatives:

FULLER of Manchester  
BROOKS of Winterport  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
LOVETT of Scarborough  
O'BRIEN of Augusta  
NUTTING of Oakland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)** on same Bill.

Signed:

Representative:

SHIELDS of Auburn

**READ.**

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

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)** on Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992"

(H.P. 644) (L.D. 844)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

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

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

Signed:

Senators:

TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

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

**READ.**

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

On motion of Representative NORBERT of Portland, **TABLED** pending the motion of Representative MATTHEWS of Winslow to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)** on Resolve, to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

(H.P. 1097) (L.D. 1466)

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

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

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

Signed:

Representative:

CRESSEY of Baldwin

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-245)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** later in today's session.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Reform the Direct Initiative Process to Eliminate Abuses and Provide Greater Citizen Input in the Initiative Process" (H.P. 711) (L.D. 926)

Signed:

Senators:

BROMLEY of Cumberland  
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham  
COTE of Lewiston  
ESTES of Kittery  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
HEIDRICH of Oxford  
PATRICK of Rumford  
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-231)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

CHIZMAR of Lisbon  
DUNCAN of Presque Isle

**READ.**

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

On motion of Representative SCHNEIDER of Durham, **TABLED** pending the motion of Representative TUTTLE of Sanford 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 as Amended by Committee Amendment "A" (H-252)** on Bill "An Act to Amend the Laws Governing Registers of Deeds" (H.P. 991) (L.D. 1328)

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  
KASPRZAK of Newport  
MURPHY of Berwick  
CHASE of Levant  
HASKELL of Milford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-253)** on same Bill.

Signed:

Representative:

CRESSEY of Baldwin

**READ.**

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions" (H.P. 1067) (L.D. 1430)

Signed:

Senators:

PENDLETON of Cumberland  
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 to Pass as Amended by Committee Amendment "A" (H-237)** on same Bill.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

KASPRZAK of Newport  
CRESSEY of Baldwin

**READ.**

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative BAGLEY of Machias to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License" (H.P. 80) (L.D. 89)

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

MARLEY of Portland  
COLLINS of Wells  
WHEELER of Eliot  
FISHER of Brewer  
BOUFFARD of Lewiston  
BUNKER of Kossuth Township  
PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)** on same Bill.

Signed:

Representatives:

McNEIL of Rockland  
WHEELER of Bridgewater  
McKENNEY of Cumberland

READ.

Representative FISHER of Brewer 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 **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-239)** on Bill "An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Fees and to Require the Inspection of Brake Friction Material"

(H.P. 505) (L.D. 645)

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

MARLEY of Portland  
McNEIL of Rockland  
COLLINS of Wells  
WHEELER of Bridgewater  
FISHER of Brewer  
BOUFFARD of Lewiston  
McKENNEY of Cumberland  
BUNKER of Kossuth Township  
PARADIS of Frenchville

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

Signed:

Representative:

WHEELER of Eliot

READ.

Representative FISHER of Brewer 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:

(H.P. 350) (L.D. 440) Bill "An Act to Exempt from the Definition of 'Watercraft' Permanently Affixed Boats" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 692) (L.D. 896) Bill "An Act to Increase Funding for the Maine Dental Education Loan Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 824) (L.D. 1078) Bill "An Act to Restrict the Commercial Harvest of Snapping Turtles in Order to Ensure Sustainability of the Resource" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 1002) (L.D. 1339) Resolve, to Amend Certain Dates for the Issuance of Bonds (EMERGENCY) Committee on

**APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 264) (L.D. 313) Bill "An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)**

(H.P. 301) (L.D. 379) Bill "An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)**

(H.P. 359) (L.D. 449) Bill "An Act to Require 2 Runners on Lobster Traps" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-255)**

(H.P. 464) (L.D. 592) Bill "An Act to Ensure that Fishways on Tidal Waters are Working" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-256)**

(H.P. 516) (L.D. 655) Bill "An Act to Clarify the Rights of Residents Within Wildlife Sanctuaries" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 670) (L.D. 870) Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-263)**

(H.P. 867) (L.D. 1147) Bill "An Act Creating the New Crime of Aggravated Attempted Murder" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

(H.P. 1093) (L.D. 1462) Resolve, Establishing a Criminal Code Revision Commission Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)**

(H.P. 1266) (L.D. 1717) Bill "An Act to Amend the Laws Pertaining to Municipal Shellfish Management" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-257)**

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

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

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

**UNFINISHED BUSINESS**

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

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)

(S.P. 212) (L.D. 777)  
(C. "A" S-48)



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

PENDING – **PASSAGE TO BE ENACTED.**

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. 137 voted in favor of the same and 5 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.**

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-193)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure Adequate Funding for School Construction Costs"

(H.P. 1241) (L.D. 1684)

TABLED – April 30, 2001 (Till Later Today) by Representative RICHARD of Madison.

PENDING – **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-193)** was **READ** by the Clerk.

Representative RICHARD of Madison **PRESENTED House Amendment "A" (H-258)** to **Committee Amendment "A" (H-193)**, which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-193)** as **Amended by House Amendment "A" (H-258)** thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** later in today's session.

HOUSE DIVIDED REPORT – Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-211)** – Minority (3) **Ought Not to Pass** – Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Change the Truancy Laws"

(H.P. 560) (L.D. 715)

TABLED – May 1, 2001 (Till Later Today) by Representative RICHARD of Madison.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-86)** – Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Study the Statutes Pertaining to Funeral Homes, Crematories and Cemeteries

(S.P. 413) (L.D. 1357)

TABLED – May 1, 2001 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-86).**

Representative RICHARDSON of Brunswick **PRESENTED House Amendment "A" (H-248)** to **Committee Amendment "A" (S-86)**, which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-86)** as **Amended by House Amendment "A" (H-248)** thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** later in today's session.

An Act to Require the State to Purchase the Initial Flags That are Required for Veterans' Grave Sites

(H.P. 884) (L.D. 1176)

(C. "A" H-146)

TABLED – May 1, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative HATCH of Skowhegan, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-146)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-265)** to **Committee Amendment "A" (H-146)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH:** Mr. Speaker, Men and Women of the House. This document amends the fiscal note of LD 1176. The cost of distributing flags has been eliminated, thus reducing the fiscal impact of this bill by more than 50 percent. This is done by the Department of Defense, Veterans and Emergency Management. They shall provide distribution of the flags through the armories for pickup by municipalities instead of using the postal department.

**House Amendment "A" (H-265)** to **Committee Amendment "A" (H-146)** was **ADOPTED.**

**Committee Amendment "A" (H-146)** as **Amended by House Amendment "A" (H-265)** thereto was **ADOPTED.**

On motion of Representative TUTTLE of Sanford, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-146)** as **Amended by House Amendment "A" (H-265)** thereto was **ADOPTED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-265)** to **Committee Amendment "A" (H-146)** was **ADOPTED.**

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

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

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

Representative **TUTTLE:** Mr. Speaker, Men and Women of the House. I noticed that there is an appropriation from the General Fund of \$57,000. Included in the General Fund another appropriation the following year of \$52,000. This says that the money is coming from the Department of Defense, Veterans and Emergency Management. I was wondering if there had been any

communication with the department about this fiscal note and their support of it, one way or the other?

The **SPEAKER**: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. Yes, there has been communication. The \$57,850 is the amount that this will be reduced by. I did that simply because I knew that this thing wouldn't fly with that kind of a price tag on it. By contacting the General, it was agreed that they would do this and go through the armories to take care of it.

Subsequently, **House Amendment "A" (H-265)** to **Committee Amendment "A" (H-146)** was **ADOPTED**.

**Committee Amendment "A" (H-146)** as Amended by **House Amendment "A" (H-265)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-146)** as Amended by **House Amendment "A" (H-265)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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An Act to Clarify the Maine Turnpike Authority's Power Regarding Confidentiality of Information

(S.P. 90) (L.D. 317)  
(C. "A" S-10)

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

PENDING – **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

(H.P. 423) (L.D. 544)  
(C. "A" H-114)

TABLED – April 25, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING – **PASSAGE TO BE ENGROSSED**. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I do just want to briefly clear up an impression that may have been given in the debate of last week with regard to what this bill was all about. I will repeat, it is not a paperwork bill. It is a bill that seeks to eliminate overtime protections for certain select workers in our state. This is a backdoor stealth approach to eliminate these protections. I will read to you from a memorandum of Ann Harriman who has the responsibility with the Department of Labor for monitoring overtime. She states, "Under current law people who work inside with controlled hours must receive time and half their regular hourly rate for all hours worked in excess of 40 in one week." The people that this law is attempting to exempt, automobile service writers and automobile body shop technicians are currently required to receive overtime pay. If the new legislation is passed, these people will no longer have to receive overtime pay. Again, I ask you not to allow the overtime protections for our workers to be whittled down piece-by-piece or worker-by-worker. Vote against the pending motion

to accept the Majority Report so that the Minority Report can be passed. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to say what I would like to say in response to that last speech from the floor. This is a paperwork reduction bill. Late last week I distributed a form that illustrates that fact. Right now there is another form that is coming out that reiterates the same thing over again. There are three currently in any automobile dealership. There are three people in the workforce in those dealerships that are already exempted from the wage and hour reporting requirements, the automobile sales people, the parts people and the automobile mechanics. All we are asking is that the automobile service writer and the auto body technician be included along with those other two categories.

What happens now when an automobile service writer gets his paycheck at the end of the week, his hourly rate is computed, his overtime rate is computed and virtually all of these people are on an incentive plan, his incentive pay is computed and it comes up to a total salary for that week. In the example that I gave you it was \$775. The slip then has to go to the office at the dealership where the \$775 has to be broken down because of the wage hour compliance. It has to be broken down to hourly rate and then in this 45-hour week, it has to show the five hours of overtime. This is a procedure that has to be followed every single week with these people who are on incentive plans because their pay changes every week. By eliminating or exempting these people from the wage hour compliance law, we are going to be able to eliminate that last step of sending it to the administrative office and have their pay computed based on their 40-hour week, plus the five hours of overtime.

The automobile mechanic right now is already exempted. If he works a 45-hour week, their pay comes up to, in the example I gave was \$575, they take the deductions out of that pay and he get his check. There is no additional computation required. This bill does not change the total amount of pay received by the employee under terms of employment acceptable to and desired by the employees. It does reduce continuous office work of calculating an hourly rate of pay after total earnings are determined through incentive plans. It results in identical requirements under federal and state law for those employees with incentive pay plans. It does not change pay plans and overtime calculations for any employee who is not on an incentive plan. I reiterate. It is not an attempt to steal overtime pay from the employees. It is a paperwork reduction bill. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. With all due respect to the good Representative from Carmel, my good friend, we differ on many things, but he always speaks eloquently in favor of his position. I want to bring to your attention today a couple of concerns that I have with this legislation. First of all, we are being asked to take away the opportunity for individuals to have overtime computed in their pay, make no doubt about it. This law extends an exemption from the state overtime law to additional employees of car dealerships. It may create confusion to employers who are covered by federal law because exemptions are not the same. Also, I want to read for the record, the concerns shared to the Committee on Labor by the Commissioner. "This legislation would exempt from overtime compensation the employment positions of automobile body shop technician and automobile service writer. We believe this legislation would be unduly

confusing and of little affect. Against the backdrop of little real benefit being achieved and the high risk for a mistaken violation of federal law, the Department of Labor respectfully urges the committee to vote against LD 544."

As I have stated, I believe, in other forums on this legislation and now for the record in the House floor, the person that put this bill forward, the automobile dealerships, their chief lobbyist was there asking for this change. Whenever we are before a legislative body or committee, I think it is important for the Legislature to remember those that might not be in attendance. There were no automobile technicians there. There were no service writers there. I have not heard from any of these folks as I have traveled about and talked to my constituents and gone to dealerships. I have never heard about this issue. I never saw these folks clamoring down the doors. We want to be exempted from overtime. Ladies and gentlemen, we don't need it and we don't want it. Has anybody heard that cry? One person came to the Committee on Labor. One person from the industry asking that this exemption be given. I shouldn't be suspect. I am Irish and Greek. I am an American. I shouldn't be suspect. That is not my upbringing I guess.

I want to ask a question. I asked that gentlemen that represented the industry directly a couple of questions. Number one, how many people does this affect? Number two, what are these folks getting in terms of compensation? I checked with our legislative analyst the other day. We have two and we are very fortunate that they do a great job for us. I exhausted every resource I could find and nothing was returned to the Committee on Labor or to me. We got nothing from the industry in terms of support for this legislation. I would remind the members in this House of recent history when we are asked to make changes in consumer protection, in labor law protection, in environmental protection, you can go down the line when the folks that are most affected by the change are no here. We are here everyday to protect those voices that are not heard, that don't have a lobbyist out there in the halls that gets a wonderful compensation. I would like to know what their overtime rate is. Those are the folks that I am here to protect. Those are the folks that we cannot forget each and everyday that we come here.

With all due respect, ladies and gentlemen, I do not believe that this bill is in the best interest of the people of the State of Maine or the people affected. Mr. Speaker, I would ask that this bill and accompanying papers be Indefinitely Postponed.

Representative MATTHEWS of Winslow moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. We have just heard that the people affected by this bill didn't appear before the Labor Committee. There is a very good reason for that because those people, those body shop people and those service writers, are going to be paid the same, whether this bill passes or not. They have no reason to come to the Labor Committee to ask for any kind of an exemption. Their pay is by commission. It is by commission today and it is going to be by commission tomorrow because that is the way they were hired. The people that should have been in front of the Labor Committee are the overworked office staff that has to do all this paperwork to comply with antiquated wage and hour laws.

That handout in front of you has question marks by the 40-hour and the 5-hour mark. Here is your homework, should you choose to do this homework, you take the time to figure out how much \$775 would be for 40 hours of work and 5 hours of overtime? That office staff has to do that every pay period because it changes. Multiply that by a half dozen employees at

a normal size dealership and you will see the amount of work they have to go through every pay period to conform that report to something that is acceptable by the wage and hour people. This is not about stealing anybody's overtime. These folks are highly compensated individuals. They probably make in the Portland area anyway \$40,000 to \$60,000 a year. There is no amount of overtime that would compensate for that. This more than makes up for the overtime. I urge you to defeat this Indefinite Postponement. Thank you.

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

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I have done my homework. Let me tell you the rest of the story about the pink sheet of paper. I am concerned about what this bill does, not just to overtime, but to the minimum wage. Because of the way this salary is, or whatever we call it, is backed out, unless their hourly rate is more than \$7.72 an hour, which is the time and a half for a person making minimum wage, there is a very real possibility that when this is back computed, it actually makes the base rate less than \$5.15 an hour. That is my concern about what this is doing to minimum wage, as well as the overtime rate. I understand the argument about this is what we have decided we are going to pay these people anyway and then we add a couple hundred bucks commission to somebody who, in fact, is making minimum or maybe even \$6 or \$7 an hour. When you back this out, that makes their basic hourly rate less than minimum wage. I urge you, like the good Representative from Winslow, to vote the correct way on this bill.

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

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

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. After the session I am taking applications for any employee that is a service writer or a body shop technician that would like to work for minimum wage. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MAYO**: Mr. Speaker, Men and Women of the House. To anyone that might be able to answer, can you tell me the position of the Commissioner of Labor on this particular bill?

The SPEAKER: The Representative from Bath, Representative Mayo has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The Director of the Bureau of Labor Standards appeared before the committee to testify on the bill. The testimony was that there may be some conflict between federal law and state law. Therefore, the amendment directs the state to go by the expanded definitions in the federal law and apply that to the state's interpretation of the law. That is what the bill does.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. If I could read from the letter of February 20, 2001

from Valerie Landry, Commissioner of the Department Labor, the last paragraph of her letter said, "Against a backdrop of little real benefits being achieved and the high risk for a mistaken violation of federal law, the department respectfully urges the committee to vote LD 544 out, Ought Not to Pass."

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to the good Representative from Cumberland's question. The hourly rate that we would find is \$16.32 an hour. The pay for the five overtime hours would be \$24.48. That should dispel anybody's problems about being under the minimum wage. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I will disclose up front that I am involved with three car dealerships and out of my central office is where we do the payroll for those dealerships. I don't understand the automatic suspicion of anytime a business comes forward and says, I need some help in reducing paperwork. There is this automatic flag that goes up among people in this body that thinks that we must be hiding something. Somebody needs to explain that to me.

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith and asks for what reason the Representative rises?

Representative **SMITH**: Mr. Speaker, point of order. There should be no impugning of people's motives or questioning of people's motives or questioning of people's motives in speaking here.

The **SPEAKER**: The Chair would remind members in a general way that questioning the motives or actions of another member is inappropriate. The Representative may proceed.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I am not exactly sure what that was all about, but I will continue. I don't believe I affronted anyone and if I did, I apologize. We, in the business community, are asking for a simple change here. This does not affect the paycheck of anyone. The person will continue to get paid whatever is due to them. If they are not, they will let the company know. Believe me. If you ever do payroll for your employees and you make a mistake, the first person who hears about it is the payroll clerk. This will not have any affect on what an employee receives. You can see the problem here with how to report this every single week. This is a simple bill. It reduces paperwork. It has no hidden agenda or no hidden meaning behind it. These people make a lot of money. This has nothing to do with minimum wage. I ask you to support the small dealership that has one payroll clerk trying to figure this out every week. Please, vote against the Indefinite Postponement and let's go on to pass the Majority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I was just looking at all these numbers and I thank the Representative for providing them. It seems to me that if we really want to save paperwork or if the company really wants to save paperwork, this company that wants to give \$775 to its service writer, if it simply gave its service writer \$16.32 an hour, as was mentioned, for a 40-hour week and then for five hours of overtime, \$122.37, that would work out to the same amount. Also, think about this. Let's say that worker then works 10 hours of overtime. Now that worker is going to be getting one and a half times for his overtime and his is going to be making \$897.43 for working that overtime. Let's say he works 20 hours of overtime. Now he is going to be making \$1,142.23 per week.

He is going to be affectively paid for his overtime and that is a pretty simple thing for any car dealership to figure out for any one of its employees. Thank you.

Representative McNEIL of Rockland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. Three years ago I drove down to Florida and all the way down I rode down with a good friend of mine named Dan who lives in Waterboro. He does exactly this kind of work. He explained more about this kind of work than I thought I would ever want to know. When I saw this, I thought maybe I ought to give Dan a call and see what he thinks since he is affected by it. He thinks it is a big hassle and a big waste of time and it certainly doesn't help him to have to do this extra paperwork. What we are failing to see is incentive pay. You can't calculate incentive pay by the hour. You do a good job, you get incentive pay. Incidentally, last year Dan made \$60,000 doing this kind of work. That means you would have to work 1,200 hours to jeopardize minimum wage. He has a very beautiful wife and child that he spends a lot of time with. He didn't work 1,200 hours last year. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Lewiston stated that he knew a friend that was in this business. In my prior life, I was a service writer and a service manager. We did not get paid any amount per hour. We got paid by the amount of work that was carried on in the business. What is happening is you have to take that money and convert it to an hourly rate. This pink slip is a little bit confusing because it lists 40 hours at so much. They actually have the answer before they start and they have to back up. There is nothing to do with hourly rate here at all. Believe me, I wouldn't have worked for minimum wage.

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

#### ROLL CALL NO. 84

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ.

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

ABSENT - Bliss, Bunker, Dudley, Goodwin, Hall, Lovett, Marrache, Muse C, Muse K, Perry, Quint, Stedman, Mr. Speaker.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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An Act to Eliminate the Use of Tobacco in Maine Schools and on School Grounds

(H.P. 482) (L.D. 622)  
(C. "A" H-123)

TABLED – May 1, 2001 (Till Later Today) by Representative SKOGLUND of St. George.

PENDING – Motion of same Representative to **INDEFINITELY POSTPONE** Bill and accompanying papers.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. We make the assumption here that when no one speaks against a bill, it is a good idea and should be passed. No one spoke against this on the floor. I remained silent when it came by. It was late in the evening and it just did not appear to be a teachable moment to me. I let it go and then I thought that I do have to say something about it.

I had the good fortune of teaching with Arlie Clark from Union. She taught English in Thomaston Grammar School. She also wrote a column for the Camden paper, which was published in a book from the orange mailbox, which some of you might have read. Arlie Clark was a great observer and a great storyteller. She told a little story that illustrates a type of behavior that I have never heard explained quite so well in any other way. She spoke of a fellow that she knew when she was a child who used to beat his pig just to show him who was boss. Once in a while she would say, he is just beating the pig to show who is boss. If you have ever had pigs, you know that they are rather obstinate creatures. If you try to move one, they don't want to go. They have bad behaviors and sometimes objectionable attitudes. That probably justified in the man's mind his beating the pig with a plank just to show him who is boss, to correct his poor attitude.

We have to be careful that we don't fall into that trap as individuals or in a group of beating the pig just to show him who was boss. A person who has the power over someone else can fall into that trap.

This bill that I am speaking against would eliminate smoking anywhere on school property at anytime by anyone. The amendment adds any property rented by a school. We are casting a wide net. Therefore, if the fellow plowing snow in the wintertime comes onto the school grounds, smoking, he is in violation of state law. People working in the summertime rehabilitating a school building, even on the outside of working on construction, could not smoke anywhere on school grounds. A fellow mowing the expansive lawns with a tractor in the summer, as our school janitor did for over 30 years with a pipe in his mouth, would no longer be able to smoke. I don't know just what it would prove or just who it would benefit if that janitor has been smoking the last 30 years, but apparently it is imperative that he not smoke that way anymore.

I really don't see that this law is necessary. I think what it does is it trivializes the law. To tell a fellow plowing snow he can't smoke on the school grounds while he is plowing, trivializes

the law. It makes lawbreakers out of otherwise honest law abiding citizens. A lot of people are going to say that they are just not going to abide by that law. It holds the Legislature up to ridicule. When you go home, that janitor says, what is the idea of prohibiting smoking anywhere on school grounds at anytime, and you explain to him calmly, but in a firm tone that this is a health issue. That janitor is not going to say to you, thank you for sharing that with me.

We do have the authority to ban smoking on school grounds. It might be nice if no one had the habit, but the fact of the matter is, a lot of people do. I would urge you to vote against this bill and vote to Indefinitely Postpone it and all accompanying papers. Thank you.

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. My question is, when the committee discussed this issue, why did the committee decide not to leave it to the jurisdiction of our local school boards to make that decision for each individual school district?

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

**ROLL CALL NO. 85**

YEA - Annis, Ash, Berry DP, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bumps, Canavan, Carr, Chase, Chizmar, Clark, Clough, Collins, Crabtree, Daigle, Davis, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Foster, Fuller, Gerzofsky, Glynn, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Kasprzak, Koffman, Labrecque, Landry, Lundeen, MacDougall, Madore, Mailhot, Marley, Mayo, McGlocklin, McGowan, McKenney, Mendros, Michael, Michaud, Morrison, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Paradis, Perkins, Pinkham, Richardson, Rines, Rosen, Sherman, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Andrews, Bagley, Baker, Belanger, Berry RL, Bruno, Bull, Chick, Colwell, Cote, Cowger, Cressey, Cummings, Desmond, Estes, Etnier, Gagne, Hutton, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Matthews, McDonough, McLaughlin, McNeil, Murphy E, Norbert, Norton, O'Neil, Patrick, Peavey, Pineau, Povich, Richard, Savage, Schneider, Shields, Simpson, Stanley, Tuttle, Usher, Weston, Young.

ABSENT - Bliss, Bunker, Dudley, Goodwin, Hall, Lovett, Marrache, McKee, Mitchell, Muse C, Muse K, Perry, Quint, Stedman, Twomey, Watson.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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LEGISLATIVE RECORD - HOUSE, May 2, 2001

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. On the calendar today, the divided report (6-5), I would like to indicate how I would have voted if I had been present. I would indicate that I would have voted yea.

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The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman who wishes to address the House on the record.

Representative **KOFFMAN**: Mr. Speaker, Men and Women of the House. Had I been able to be present in the morning yesterday, I would have voted yea on roll call 66 and yea on roll call 73. Thank you Mr. Speaker.

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On motion of Representative **VOLENIK** of Brooklin, the House adjourned at 11:56 a.m., until 9:00 a.m., Thursday, May 3, 2001.