

# 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  
45th Legislative Day  
Tuesday, May 8, 2001

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

Prayer by Reverend Susan Gilpin, Prides Corner Congregational Church, Westbrook.

National Anthem by Auburn Middle School Chorus.

Pledge of Allegiance.

Doctor of the day, James Mullen, M.D., Freeport.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Prevent Theft of Motor Fuels"

(H.P. 907) (L.D. 1221)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** in the House on May 3, 2001.

Came from the Senate with the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)** in **NON-CONCURRENCE**.

Representative O'BRIEN of Lewiston moved that the House **ADHERE**.

Representative WINSOR of Norway moved that the House **RECEDE AND CONCUR**.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. This is my bill. In the last action we accepted the Majority Report, which was Ought Not to Pass. We now are considering changing our position. I certainly hope you will accept my motion to Recede and Concur. The bill before us is the Minority Report. I tried to listen carefully to the objections of the members during our last conversation on this bill. I would like to try to address a couple of things that I think we may have misunderstood. The bill itself, as it is now configured, does not simply add additional sentencing options to people who steal gasoline and that is that they could have their driver's license removed if they are convicted and it is up to the judge to access that penalty. The earlier conversations that we had regarding members of this body who have inadvertently filled up their vehicles and forgotten to pay for it and being concerned whether or not they could lose their driver's license, I suppose that is true, but that is true today if the crime they committed, if they committed one, would be the same today as it will be if we change the law as suggested by this bill.

In listening to some of the members who opposed this action earlier, it seems that many of them don't see this as a real problem. I want to suggest to you that it is a problem. It is a problem that is growing. Currently at least one retailer indicates that they are losing about \$800 a year per unit. Now \$800 a year per unit may not sound like a lot of a money, but if you multiply that out or guess that that is equal throughout the state, that is about \$1 million a year in lost revenue. Again, it is not so much that this a huge problem in comparison with other theft in the

state, but it is one that seems to growing rather dramatically. One retailer, for example, suggested that in the last two years their problem in this area has doubled and then doubled again. What they have come to us as body and asked us for is a tool. A tool to help discourage people from filling up their car with gas and then leaving without paying for it. Their hope is that if they post a notice on the gas pumps that people will be further discouraged from stealing. It is really not a major issue, but it is more of one where we have had an industry come to us and say that we have a problem that is growing. It is a societal problem, we admit, but it is a problem that each and every one of us in this body pay for. We would like an opportunity to see if we can encourage people to change their behavior. We think the fear of losing a driver's license might help that. They are not suggesting we put on more policemen or we prosecute more people. We simply want to allow them to post a notice that this behavior is not to be tolerated and can be treated seriously.

Men and women of the House, the 1,200 retail dealers of motor fuels simple ask you to give them this tool. With that, I will sit down and urge your support of this motion. Thank you.

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

Representative **MITCHELL**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against this motion. This was a Majority Ought Not to Pass Report out of committee. The main reason is, and I know defending the code, I don't know how effective an argument that is, but we don't want to go about breaking down all the various items that can be stolen and putting them item by item within the code. If we were to go forward with this, sure it is absurd, but you can move onto theft of candy bars, bottled water and you can go through the whole list of things that might be stolen from a convenience store. This is already a crime. The trouble that we heard, nobody on the committee said that we didn't feel bad for the fuel companies, nobody on the committee said that this shouldn't be a crime. What we heard was that people who had had problems with this had not been able to get prosecution from their own DAs or their own police departments. That is not a reason to go about starting to parcel out various items within the code and creating a different theft for each item. We have theft. This is already covered in the code. I urge you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. As you may know, I serve on the Criminal Justice Committee and I am the person that took this report out to the House. Usually I do not support taking licenses away from anyone as a form of punishment. I believe very strongly in this case that it is necessary. Ladies and gentlemen, these are people that are chronic thieves. They are not you or me who occasionally have a brain cramp in our busy schedule. We are too darn busy and I forgot to pay that bill. It happens to each and every one of us at one time or another in our life. This is for that person that knowingly and intentionally steals the gas. They don't put that hose back into where it belongs. They lay it on the ground and they take off. Are we going to say that thievery is okay?

With this bill I learned some statistics and I would like to go over them with you because the good Representative from Norway, Representative Winsor, didn't hit some of these facts. Gasoline thefts have become much more prevalent in the last year with the higher gasoline prices. The industry use to experience in average of 2.3 gas thefts a weeks at each store. Those numbers have increased recently to about two a day. In a report published by the National Association of Convenience

Stores, they have found that gas thefts cost the industry \$234 million in 1999. That equates to more than \$2,600 per each store selling gasoline. That is the national average. While the occurrence of such incidence in Maine has not risen to the national average, it is nevertheless a growing problem. Mr. Speaker, would you request order in the House?

Gasoline theft impacts businesses and customers in numerous ways. First, with the vast fluctuations in wholesale costs these thefts hit retailers when the value of the stolen property is at an all-time high. Second, it is necessary to ultimately pass the costs of these thefts on to the consumer. You wonder when you go from gas station to gas station why the prices fluctuate and are different. A lot of these things are passed on to us. I really believe strongly in this bill. First of all, this is a bill that says that the judge may take away the license. It doesn't mean he has to. He is going to take every situation individually, but he may take away the license.

I ask you to please go against the pending motion and support this bill. I think it is good bill. Please protect our consumers. I think you will be doing the right thing. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. This is an excellent idea. It is great idea. The problem with it is if I go out and steal a car, I get to keep my driver's license. If I steal a gallon of gasoline, I can lose my driver's license. I think there is a lack of proportionate here that defies common sense. I would urge you to defeat the pending motion.

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I would encourage the Representative from Old Town to introduce a bill next to increase the penalty for stealing cars. What we have before us here is a very simple measure that will permit the judge in some cases to suspend the driver's license of a person who has intentionally or knowingly stolen gasoline. As a former prosecutor myself, I prosecuted for the Attorney General's Office for a number of years, I can tell you that this additional penalty will serve to decrease crime. It will serve as a preventative measure because oil dealers will be able to put it right on their pumps and will be able to say that if you steal gasoline from this pump, you may lose your driver's license and it will also serve as a punishment for people who are convicted of intentionally and knowingly stealing gasoline that they can lose their driver's license. It is a very appropriate penalty. It is connected to the crime and I urge you to vote for this Recede and Concur motion. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Criminal Justice Committee, I have worked this bill. I have listened to the very, very heart wrenching testimony, especially from the merchants that are losing thousands and thousands of dollars a year in lost motor fuel. I was at the beginning of this bill willing to support this. As testimony went on and we read the code book, there are adequate penalties in the Criminal Justice Code for the theft of motor fuels. I talked to the distributors that appeared before our committee. I worked with them. I also went back home and I worked with my chief of police and we have come to a common sense compromise on this. Motor theft fuel will be treated as a theft. They will not be allowed to go into the gas station after the fact and pay for something that has been stolen with all intent of theft. It will be prosecuted by the District Attorney's Office according to the code that we already have in the laws of the

State of Maine, which, to me, is adequate. I do have a problem and I always have had a problem and I have seen nothing come before me in this Legislative Session so far to change my idea that to remove a driver's license from someone who has, in fact, taken the test, passed the road test, has the perfect driving record because they stole a gallon of gas. To me, it is a bad idea. I cannot support that. A motor violation and the removal of driver's license is a very, very serious issue. I think it warrants more thinking than the cost if gasoline is \$2 a gallon, then a \$2 theft to lose someone's license. Cooperation with your local police department, your District Attorney's Office and enforcement of the criminal code that is already on the books is adequate. I urge you to defeat this bill. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Mitchell.

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. Very, very quickly, I really appreciate your time. I apologize for being ill prepared this morning when I had to jump up. From my perspective, I don't disagree with a thing that the Representative from Bangor said, I want to accept that I do think it is a valid thing to have a sentencing option like this for the judges to use. The reality is there is not one retailer out there that really wants to prosecute somebody for theft. What that retailer wants is to be paid for the gasoline that people use. It is as simple as that. They want the ability to put a sticker on their pump saying that if you steal this gasoline, we can do this. As far as whether or not somebody loses a license for stealing a dollar's worth of gasoline, the penalties, in my mind, the options the judges have are pretty wide ranging and severe. I don't hear them exercising maximum penalties for most crimes. I would urge you to support this motion. Send it back with a unanimous Ought to Pass here and let's go for it. Thank you.

Representative **MITCHELL** of Vassalboro **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

**ROLL CALL NO. 119**

**YEA** - Annis, Ash, Belanger, Berry DP, Bowles, Brooks, Bruno, Bumps, Carr, Chick, Clough, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Hatch, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Marley, Mayo, McNeil, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Thomas, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

**NAY** - Andrews, Berry RL, Blanchette, Bouffard, Brannigan, Bryant, Bull, Bunker, Canavan, Chase, Chizmar, Clark, Collins, Colwell, Cote, Cummings, Desmond, Dorr, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Richard, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Mr. Speaker.

**ABSENT** - Bagley, Baker, Bliss, Buck, Cowger, Daigle, Dudley, Gooley, Mendros, Michael, Muse C, Peavey, Perry, Povich, Quint, Savage, Stedman, Watson, Wheeler GJ.

Yes, 50; No, 82; Absent, 19; Excused, 0.

50 having voted in the affirmative and 82 voted in the negative, with 19 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 242)

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

May 1, 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. 331 An Act to Promote Cultural Tourism for St. Croix Island

L.D. 506 An Act to Expand Funding for the Maine Research Internships for Teachers and Students Program

L.D. 779 An Act to Enhance the State's Agricultural Marketing

L.D. 784 An Act to Stimulate Job Growth Through Investing in University Research and Development

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. 243)

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

May 1, 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":

H.P. 868

Joint Study Order relative to the Joint Select Committee to Study the Necessity for Legislation Requiring Public Access to Rest Rooms by Service Stations Owned by Large, Out-of-state Companies

L.D. 772

An Act to Require Explicit Statutory Authority for Expenditure of Certain Public Money for Lobbying Purposes and Private Enterprise and for Private For-profit Gain

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. 244)

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

May 1, 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. 806 An Act to Amend the Concealed Firearms Laws

L.D. 908 Resolve, to Establish Clear Guidelines for Protecting the Safety of Victims of Domestic Violence

L.D. 1750 An Act to Authorize the Surrender of Concealed Firearms Permits of Persons Who are the Subjects of Permanent Protection Orders

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.**

The Following Communication: (H.C. 245)

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

May 1, 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. 1169 An Act to Amend the Requirements of the Workers' Compensation Law
- L.D. 1253 An Act to Require an Annual Benefit Adjustment
- L.D. 1541 An Act to Fund the Workers' Compensation Advocate Program
- L.D. 1642 An Act to Provide for the Continuous Coverage of Disability Benefits
- L.D. 1763 An Act to Transfer Funds from the Department of Labor for a Full-time Hearing Officer for the Workers' Compensation Board

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. 246)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 1, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 19 An Act to Revoke the Voting Privileges of Persons Convicted of Murder or a Class A Crime
- L.D. 696 An Act to Allow for Fair Competition among Maine's Tracks
- L.D. 1034 An Act to Establish Uniform Election Filing Deadlines for Legislative and Gubernatorial Candidates
- L.D. 1160 An Act for Public Disclosure of Referendum Question Submissions
- L.D. 1185 An Act to Amend the Liquor Laws to Expand Employment Opportunities for Adults 18 to 21 Years of Age
- L.D. 1323 An Act to Shorten the Period in which the Bureau of Liquor Enforcement Acts on Appeals
- L.D. 1460 An Act to Establish a Deadline for New Voter Registrations
- L.D. 1529 An Act to Improve Elections
- L.D. 1608 An Act to End Discrimination Against Veterans

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

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

**READ and ORDERED PLACED ON FILE.**

**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

W. Malcolm Wilson, of Waterville, a tireless advocate for social services and community causes and a national crusader for services to aid people who suffer from mental illness. He was a member of the Board of Directors of the National Alliance for the Mentally Ill and a founder of local and statewide programs and facilities to help people with mental illness. He was the recipient of numerous awards and honors for his public service, and in 1998 the Governor declared December 1st as "Malcolm and Barbara Wilson Day" to recognize their work on behalf of the mentally ill on the occasion of the opening of High Hopes Clubhouse, a vocational training center for persons with mental illness. He and his wife were founders of the Maine Alliance for the Mentally Ill and the Waterville Social Club, a gathering place for people with mental illness. His passion for social justice and his sparkling sense of humor will be greatly missed by countless friends and acquaintances;

(HLS 290)

Presented by Representative CANAVAN of Waterville.  
Cosponsored by Representative MARRACHÉ of Waterville,  
Representative TESSIER of Fairfield, Senator GAGNON of Kennebec.

On **OBJECTION** of Representative CANAVAN of Waterville, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Representative CANAVAN**: Mr. Speaker, Men and Women of the House. I am grateful and honored to have this opportunity to pay tribute to Malcolm Wilson, my very dear friend and mentor and a friend and inspiration to so many Maine people. Mal's life ended very unexpectedly four weeks ago in his 89th year. Whenever I hear someone say it is better to light a candle, than to curse the darkness, that's when I think of Mal Wilson because what that maxim suggests is that one person can do something to counteract injustice and a host of other ills that are not accepted in the world today. Mal Wilson's life is a testimony to the truth of that statement. If there is a theme running through each stage of his life, it is clearly that of courage and commitment. By the time he was 40 years old, Mal had accomplished enough to live on his laurels for the rest of his life. At Colby College he was president of his class and of his fraternity and regarded as one of the finest athletes to have attended the college having lettered in three sports and earned all Maine honors in football and All American honors in hockey. For his citizenship qualities and contribution to the school, he was given the only prize presented at commencement to a graduating senior.

When World War II broke out in 1941, Mal Wilson, like many young men of that great generation joined the Navy. He served in the South Pacific war zone for three and a half years and for his courage and bravery, won four battle stars and a presidential citation. When Mal Wilson and his lovely wife Barbara moved from the West Coast to Maine in 1964, it was an auspicious happenstance for us all. Right away Mal pitched in serving as president of several civic and social organizations and demonstrating the same depth of commitment that marked his early years. For his many contributions to the community, the Chamber of Commerce gave him the annual Alys A. Joseph

Award and cited him one of Waterville's most community minded individuals.

In the late 1970s, tragedy intervened in the lives of Mal and Barbara Wilson. It was then that a member of their family developed severe and persistent mental illness. Mal Wilson had done his stint for mankind and more. He had made his mark and many would say that in that moment of sorrow and tragedy, he had a right to let down and indulge in a little self-pity, but that wasn't Mal's style. Even though the illness devastated their small family, Mal and Barbara looked outside themselves and what they saw were great unmet needs. Services to people with mental illness were inadequate. Family members had little support and the stigma of the ages still clung to the disease that had stricken their loved one. All and all it was a dark and dismal landscape they had saw for the mentally ill and their families. Together Mal and Barbara Wilson lit candles. Working with a fledgling group called the National Alliance for the Mentally Ill, they founded a Maine chapter. They traveled the length and breaths of the state to start family support groups and today, largely as a result of their efforts, there are active groups in Maine from Madawaska to Kittery.

Mal and Barbara fought for better care for the mentally ill at a time when there really wasn't a lot of support for such causes. For many years, Mal nudged public policy makers, worked with law makers and testified before legislative committees to get better services and to eradicate the stigma associated with the disease. For his advocacy work, the Maine Broadcasting System awarded Mal its annual Jefferson Award in 1987. As I tell you these things today, it all sounds so easy, but to each success Mal and Barbara enjoyed, there were many obstacles to overcome. Mal often became impatient with the political process. It was too slow, he would say. A step forward and another backwards. He was committed and he was determined and he never gave up because he truly believed that justice for the mentally ill would eventually prevail in the end and we in this body might reflect on that kind of courage and commitment on occasion.

In his 89th year, Mal Wilson, All American, still skated twice a week. In his 89th year, Mal Wilson, community leader, was still very much a force in his hometown serving on the Homeless Shelter Board and an active Rotarian. In his 89th year, Mal Wilson, advocate, was still lighting candles. Just four days before he died he was on his feet before the Banking and Insurance Committee advocating firmly and forcefully for parity for the mentally ill. When we needed wisdom, Mal guided us. When we needed encouragement, Mal nudged us gently, but firmly and when we needed to lighten up, he gave us whit. I am sure that wherever Mal is now, he is still lighting candles. Thank you.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. I would like to present three pictures to you regarding Mal Wilson. First, his funeral, because I was ill, I couldn't make the pilgrimage to Waterville. I use that word advisably. I asked afterward, what was it like? How was it? A friend of mine said that the church was packed. The full Colby Hockey Team was down one side of the church. The people overflowed into a side chapel where they could only hear the service and they were filling a hall beyond that were people could only hear the service. To be 89 years old and to pack the house, showed, it was a picture to me, of how great Mal was.

The second picture, two or three days before the Appropriations Committee, one of Mal's friends, Jim Schmit was there and said he apologized for Mal. Mal couldn't be there because he had gone to the hospital with a heart problem. Mal

would have been there to ask us for money for High Hopes and he would have got it, at least so far. He came to people in this Legislature and I think he more than nudged and pushed. He was persuasive. He was passionate. He got more done for people with mental illness than anyone else I know. The third picture is one of Mal alone with one other gentleman, a high level official here in the state sitting close to him and persuading him to help him come out and to be public. Even though this man was a major official, that he should come out and tell his story about how severe his own mental illness was. Take a shot at that stigma. This man did do that and he has been an inspiration to others. You can recover. You can lead a full life even though you are very seriously ill. Mal Wilson was a great man. I am thankful to have known him.

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

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased and proud to speak on the sentiment for long-time friend, Mal Wilson. Mal's passing represents a huge loss for the movement in Maine's mental health system. He was truly a champion of the mentally ill. As a community mental health administrator of the '60s, '70s, '80s and '90s, I often felt the sting of Mal's criticism as he pursued his crusade as the social conscience of Maine's mental health system. No one was spared his outspoken criticism. No one was deprived of his charm and positive recognition for a job well done. The previous speakers have really said it all in terms of who Mal Wilson really was. From my part, I know and the people of Maine know, particularly those the patients and staffs in the mental health system know that when it came to the rights and needs of the mentally ill, no one was more passionate, yet considerate, confrontational, yet conciliatory and no one was more persistent, yet gently persuasive. I am afraid we shall not see his likes again very soon. I offer my sympathy to his family for the loss that must seem so huge to them. Thank you Mr. Speaker.

**ADOPTED** and sent for concurrence.

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

#### **CONSENT CALENDAR**

##### **First Day**

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

(H.P. 503) (L.D. 643) Bill "An Act to Allow Municipalities to Lower Certain Speed Limits" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

(H.P. 805) (L.D. 1060) Bill "An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners Between Correctional Facilities and Courts" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)**

(H.P. 916) (L.D. 1230) Bill "An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-354)**

(H.P. 1095) (L.D. 1464) Bill "An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)**

(H.P. 1223) (L.D. 1664) Bill "An Act to Amend Certain Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)**

(H.P. 1270) (L.D. 1728) Bill "An Act to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)**

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

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

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

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

Bill "An Act to Require Truth in Advertising of Natural Water"  
(S.P. 414) (L.D. 1358)  
(C. "A" S-135)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative KOFFMAN of Bar Harbor, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

**ENACTORS**

**Emergency Measure**

An Act to Safeguard Production of Groundwater  
(S.P. 301) (L.D. 1012)  
(C. "A" S-119)

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. 110 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Establish a Commercial Green Crab Fishing License  
(S.P. 526) (L.D. 1649)  
(C. "A" S-128)

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. 113 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**Emergency Measure**

An Act to Amend the Maine Athletic Commission Laws  
(S.P. 561) (L.D. 1723)

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. 118 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Amend the Charter of the Vinalhaven Water District  
(H.P. 1275) (L.D. 1735)  
(C. "A" H-269)

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. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Amend the Laws of the Maine State Retirement System  
(S.P. 576) (L.D. 1754)  
(C. "A" S-113)

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. 120 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Provide Continued Funding for the Maine Airs Program  
(H.P. 194) (L.D. 205)  
(C. "A" H-268)

An Act to Ensure Statewide Assistance to Maine's Homeless Youth  
(S.P. 50) (L.D. 218)  
(C. "A" S-110)

An Act Regarding the State's Land Use Mediation Program  
(S.P. 68) (L.D. 264)  
(C. "A" S-130)

An Act to Protect the Privacy of Maine Physicians  
(S.P. 110) (L.D. 336)  
(C. "A" S-118)

An Act to Clarify the Law Regarding Name Changes  
(H.P. 285) (L.D. 363)  
(C. "A" H-280)

An Act to Support Requests for Jobs for Maine's Graduates Programs in Maine Communities  
(H.P. 289) (L.D. 367)  
(C. "A" H-267)

An Act Concerning Private Line Extensions  
(S.P. 263) (L.D. 910)  
(C. "A" S-115)



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

(H.P. 729) (L.D. 949)  
(C. "A" H-154)

An Act to Permit the Department of Inland Fisheries and Wildlife to Accept Gifts for the Benefit of Wildlife Protection and Conservation

(S.P. 281) (L.D. 992)  
(C. "A" S-117)

An Act to Treat All Children with Dignity

(H.P. 864) (L.D. 1136)  
(C. "A" H-281)

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

(H.P. 884) (L.D. 1176)  
(H. "A" H-265 to C. "A" H-146)

An Act to Amend the Hunting Laws Relating to Blaze Orange

(S.P. 375) (L.D. 1213)  
(C. "A" S-116)

An Act Concerning the Enforcement of Laws Relating to Scalping in Cobscook Bay

(S.P. 383) (L.D. 1280)  
(C. "A" S-126)

An Act to Amend the Laws Pertaining to the Harvest of Adult Eels

(S.P. 394) (L.D. 1309)  
(C. "A" S-127)

An Act Relating to the Office of Substance Abuse

(S.P. 404) (L.D. 1320)  
(C. "A" S-120)

An Act to Clarify the Laws Governing Employment by the State

(S.P. 489) (L.D. 1578)  
(C. "A" S-109)

An Act to Address Confidentiality of Records in the Medical Examiner Act

(H.P. 1213) (L.D. 1645)  
(C. "A" H-282)

An Act to Expand Research and Development Facilities within the University of Maine System

(S.P. 537) (L.D. 1668)

An Act to Ensure Adequate Funding for School Construction Costs

(H.P. 1241) (L.D. 1684)  
(H. "A" H-258 to C. "A" H-193)

An Act to Make Certain Technical and Clarifying Changes to the Medical Examiner Act

(H.P. 1258) (L.D. 1705)  
(C. "A" H-283)

An Act to Clarify the Maine Biomedical Research Program

(S.P. 552) (L.D. 1710)  
(C. "A" S-121)

An Act Concerning Disabled Hunters, Trappers and Anglers

(S.P. 609) (L.D. 1785)

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

**Resolves**

Resolve, Establishing an Education Funding Reform Committee to Make Recommendations to Reduce the State's Reliance on the Property Tax as a Funding Source for Education  
(H.P. 751) (L.D. 970)  
(C. "A" H-216)

Resolve, Authorizing the Adjutant General to File a Finalized Declaration of Covenants and Restrictions with the Kennebec County Registry of Deeds in the Veterans' Memorial Cemetery Located on the Mount Vernon Road in Augusta

(S.P. 408) (L.D. 1352)  
(C. "A" S-131)

Resolve, to Study the Statutes Pertaining to Funeral Homes, Crematories and Cemeteries

(S.P. 413) (L.D. 1357)  
(H. "A" H-248 to C. "A" S-86)

Resolve, to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

(H.P. 1097) (L.D. 1466)  
(C. "A" H-245)

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

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

An Act to Increase the Bond Ceiling of the University of Maine System

(S.P. 154) (L.D. 498)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE**.

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. This LD, LD 498, contemplates raising the bonded allowable ceiling for the University of Maine System from \$100 million to \$150 million. I have two questions. The first one, what is the bonded indebtedness of the University of Maine System? The second question is, what projects are being contemplated that is going to necessitate having this bonded ceiling level raised?

The SPEAKER: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I will try to answer the question. If I understood the question, what is the current indebtedness? The current level that they can borrow up to is \$100 million. The bill allows them to seal it at \$150 million. We did not, that I know of, discuss a specific plan that gives the University System the ability to raise their revenue bonds. There seems to be an effort in this series of bills here to improve our facilities for higher education. There seems to be an effort to improve access to higher education. I think this is one step in that series of bills, individual bills, but nonetheless important. Thank you.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. With the absence of a plan for a reason why we are raising the bonded indebtedness and being unsure as I am right now as to what our bonded indebtedness is with regard to the University of Maine System, I find this proposal difficult to adopt.

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

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

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

On motion of Representative BRUNO of Raymond, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

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An Act to Manage the Sea Urchin Fishery  
(S.P. 299) (L.D. 1010)  
(C. "A" S-125)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Representative LaVERDIERE from the Committee on **JUDICIARY** on Resolve, to Establish the Commission to Review the Child Protective System (EMERGENCY)

(H.P. 1338) (L.D. 1793)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1303)

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

The Resolve **READ ONCE**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71)** on Bill "An Act to Facilitate the Creation of Boat Launch Sites in the Maine Land Use Regulation Commission's Jurisdiction"

(S.P. 350) (L.D. 1164)

Signed:

Senators:

KNEELAND of Aroostook  
NUTTING of Androscoggin  
KILKELLY of Lincoln

Representatives:

LANDRY of Patten  
LUNDEEN of Mars Hill  
GOOLEY of Farmington  
FOSTER of Gray

CARR of Lincoln  
JODREY of Bethel

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

Signed:

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish  
PINEAU of Jay

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

**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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Discrimination"

(H.P. 543) (L.D. 698)

Signed:

Senators:

RAND of Cumberland  
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)** on same Bill.

Signed:

Senator:

McALEVEY of York

Representatives:

WATERHOUSE of Bridgton  
SHERMAN of Hodgdon  
MENDROS of Lewiston

**READ**.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. In the last two Legislatures, the 118th and the 119th, I believe, we had a bill before us to add sexual orientation to the list of protected classes in the categories of housing, lending and public accommodations. I voted in favor of those both times, but both times I thought to myself, why do we keep adding to the list if we don't want people to discriminate for unreasonable or irrational reasons? Why don't we just say you can't discriminate unless it is pertinent to the issue at hand for reasonable reasons? I submitted this bill in front of you as a floor amendment both times after we passed those through the House. The second time, I got a lot more votes than I did the first time. Several members, to remind you, on both sides of the aisle talked to me as said that that was a good idea. If you ran that as a bill, I would support it. Here we are, if you remember.

What this does is instead of this great long list of hard earned and respect the effort that went into earning these placed spots on the protected list over the years people have worked hard for these and they deserve to be protected. First of all, philosophically, I have talked with a few people and you could make an argument that government shouldn't be involved in this at all telling people that they can't discriminate. Since we do, I think we ought to just face the fact that instead of adding to this list, where is it going to go? What is next? What group is next? I guess the sexual orientation got taken off by the people, but eventually my guess is that will be added and rightfully so if we are going to keep a list, in my opinion. I believe the next class will be obese people. I really believe it. We still make jokes about fat people. We even do it in here and that is not right, folks. The way the law is written now, in some ways, is discriminatory. It is discriminatory right now because sexual orientation is not added. Obesity isn't added, bald people, tall people, short people and for all the reasons that people may be discriminated against, why don't we just finally say, wait a minute. If you look at this bill, you can't discriminate in employment, housing, access to public accommodation, extension of credit or education unless it has to do with a reasonable concern pertinent to that issue.

At the hearing somebody argued that in the case of damaged property if a person was black or had a certain hairstyle or perhaps for whatever reason they could say that they might damage my property, but that wouldn't be reasonable people. The judge would have to say, is that a reasonable concern? It seems to me that this would save the state all the divisive initiative drives, the expense and the heart wrenching debate that goes across the country trying to add each of these groups. Let's just say we can't discriminate anymore.

One last word is on the fiscal note, I think there is a \$100,000 fiscal note. I would like to ask the question if anybody might know if I may through the chair? If there is any fiscal notes, if anybody remembers, when we added those other classes over the years? My guess is that there wasn't, but I would like to know that. I urge you to pass this bill. It makes a lot of sense and it would save a lot of anguish. Thank you.

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

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

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

**ROLL CALL NO. 120**

**YEA** - Annis, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Canavan, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrassa, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

**NAY** - Andrews, Belanger, Berry DP, Bowles, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis,

Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

**ABSENT** - Bagley, Bliss, Buck, Bunker, Cowger, Daigle, Goodwin, Labrecque, Peavey, Stedman, Tracy.

Yes, 88; No, 52; Absent, 11; Excused, 0.

88 having voted in the affirmative and 52 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee" (H.P. 569) (L.D. 724)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)** on same Bill.

Signed:

Representatives:

WATERHOUSE of Bridgton  
SHERMAN of Hodgdon

**READ.**

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Amend the Maine Tort Claims Act"

(H.P. 596) (L.D. 751)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton  
BULL of Freeport

JACOBS of Turner  
 MITCHELL of Vassalboro  
 MUSE of South Portland  
 SIMPSON of Auburn  
 MADORE of Augusta  
 WATERHOUSE of Bridgton  
 SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)** on same Bill.

Signed:  
 Representative:  
 MENDROS of Lewiston

**READ.**

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

**ROLL CALL NO. 121**

**YEA** - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Cressey, Mendros, Michael.

**ABSENT** - Bagley, Bliss, Buck, Cowger, Daigle, Dugay, Goodwin, Labrecque, Peavey, Stedman, Tracy.

Yes, 137; No, 3; Absent, 11; Excused, 0.

137 having voted in the affirmative and 3 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)** on Bill "An Act to Clarify the Jurisdiction and

Qualifications for Protection from Abuse Hearings"  
 (EMERGENCY)

(H.P. 662) (L.D. 862)

Signed:  
 Senators:  
 RAND of Cumberland  
 McALEVEY of York  
 FERGUSON of Oxford

Representatives:  
 LaVERDIERE of Wilton  
 BULL of Freeport  
 JACOBS of Turner  
 MITCHELL of Vassalboro  
 MUSE of South Portland  
 SIMPSON of Auburn

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

Signed:  
 Representatives:  
 MADORE of Augusta  
 WATERHOUSE of Bridgton  
 SHERMAN of Hodgdon  
 MENDROS of Lewiston

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-334)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-334)** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)** on Bill "An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act"

(H.P. 733) (L.D. 953)

Signed:  
 Senator:  
 RAND of Cumberland  
 Representatives:  
 LaVERDIERE of Wilton  
 BULL of Freeport  
 JACOBS of Turner  
 MITCHELL of Vassalboro  
 MUSE of South Portland  
 SIMPSON of Auburn

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

Signed:  
 Senators:  
 McALEVEY of York  
 FERGUSON of Oxford  
 Representatives:  
 MADORE of Augusta  
 WATERHOUSE of Bridgton  
 SHERMAN of Hodgdon

MENDROS of Lewiston

**READ.**

Representative LaVERDIERE of Wilton 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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Create the Civil Rights in Public Employment, Education and Contracting Act"

(H.P. 755) (L.D. 974)

Signed:

Senator:

RAND of Cumberland

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

JACOBS of Turner

MITCHELL of Vassalboro

MUSE of South Portland

SIMPSON of Auburn

MADORE of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-336)** on same Bill.

Signed:

Senators:

McALEVEY of York

FERGUSON of Oxford

Representatives:

WATERHOUSE of Bridgton

SHERMAN of Hodgdon

MENDROS of Lewiston

**READ.**

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that you will vote against the pending motion. This bill actually is the language found in the 1964 Civil Rights Act. Basically the bill prohibits the state and its subdivisions and municipalities from discriminating against or granting preferential treatment to any person in the operation of public employment, education or contracts on the basis of race, sex, color, ethnicity or national origin. There are several states that are already taking the steps of actually taking it to citizen's initiatives to ban this type of preferential treatment. In 1996, voters in California amended the California Constitution to state that California shall not discriminate or grant preferential treatment to any individual or group based on sex, race, color, ethnicity or national origin, so forth and so on. Basically, it is the same language that is in this bill. In 1999, Washington State voted to do the same thing. We have heard all the arguments before about addressing past wrongs and making things right from past actions. I have always taken the position that one wrong doesn't justify another one.

This bill has been up here several times before. It was before our committee, the Judiciary Committee, last term. At that time it was not my bill. I addressed questions to people testifying against the bill. I basically had the same questions

every single time. I basically had the same question all the time. I will try to make it very personal. I said to those people who testified against the bill, if you had children or loved ones who were denied jobs or a college education because of these preferences that they didn't qualify, would you think that was justice? It is an amazing dynamic to watch people actually put people in their position dealing with their very own children. I actually had one after a great many of the other ones squirmed and couldn't quite come to grips with that, said they could live with that and they told their rit was a good thing. It is an amazing statement for a parent to make. I have always felt that people shouldn't have to suffer because of past discrimination that some group had oppressed somebody in the past, which they had no part or responsibility for. It is almost like racial profiling. If one feels an obligation to sacrifice because of past wrongs that they had nothing to do with, that is fine. They can go ahead and do that. To pass that on to everybody, including their own children, is an amazing stand.

I often think back to when I was in college that I took cultural anthropology and physical anthropology. I did a research paper on cultural anthropology dealing with this issue. The professor was from India. She was a woman professor from India. I got the research paper back and it was written on the front of it, B+, well researched, well written, but naïve. I talked to her after that and I said, would you have given me an A+ if you didn't consider me naïve? Basically my research paper came to the conclusion that the only way you can address any wrong done by anybody is to make sure that it doesn't happen again, not to punish somebody else for those past wrongs because they happen to be in the group that perpetrated those past wrongs. She said that is a marvelous position, but she thought it was naïve. I didn't think so 30 years ago, I don't think so now. I ask you to vote against the pending motion. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I will be very brief. This bill is simply about abolishing affirmative action in the State of Maine. Very rarely in our committee and I am sure in many of your committees do you ever find a situation where the Maine Municipal Association, the Maine Civil Liberties Union, the Maine Human Rights Commission, the Maine Women's Lobby and the State Bureau of Human Resources all come together in agreement on one item. This is one item in which they do agree that there is no need for this law at this time. What we have at this time. What we have in the State of Maine is working well. I would urge you to support the pending motion. Thank you.

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

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

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

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

#### **ROLL CALL NO. 122**

YEA - Andrews, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere,

Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Young, Mr. Speaker.

**NAY** - Annis, Belanger, Berry DP, Bowles, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

**ABSENT** - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, Peavey, Stedman, Tracy.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)** on Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"

(H.P. 779) (L.D. 1023)

Signed:

Senators:

RAND of Cumberland  
FERGUSON of Oxford

Representatives:

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

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

Signed:

Senator:

McALEVEY of York

Representatives:

MADORE of Augusta  
WATERHOUSE of Bridgton

**READ.**

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

Representative MADORE of Augusta **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. 123**

**YEA** - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Grees, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

**NAY** - Belanger, Berry DP, Bowles, Bruno, Carr, Chase, Clough, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Morrison, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

**ABSENT** - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, McDonough, Peavey, Stedman, Tracy.

Yes, 98; No, 43; Absent, 10; Excused, 0.

98 having voted in the affirmative and 43 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-337)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-337)** 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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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Provide Compensation to a Person Detained on the Basis of a Warrant Issued in Error"

(H.P. 819) (L.D. 1073)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)** on same Bill.

Signed:

Representative:  
MENDROS of Lewiston

**READ.**

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to defeat the pending motion and go on to pass this bill. You probably all saw last summer on the front page of every newspaper in Maine this woman from Lewiston, the police showed up at her door and arrested her on a warrant that was a bogus warrant. It was a mistake. It was a glitch in the system. They dragged her off to jail. She spent the night in jail and left her two small children at home. She knew it was a mistake and said it will be taken care of. It will just take an hour. They took her. It was investigated by the police department, is that proper procedure? Yes, it is. You always say that so the person won't be hostile and they will come along. When she went to the county jail, was there a problem at the county jail? They said, yes, we will take care of it and they just let her sit there. They were busy. It is procedure and that is how things were done. They are not responsible. Everybody said the responsibility lies with the district court for issuing this warrant by accident. There is nothing you can do. All you can do is hope that they don't. When I brought this bill before the committee, the spokesman came from the district court and they didn't oppose it. They were neither for nor against it. They gave us all sorts of information on how this will never happen again.

If you look, there is no cost on the fiscal note. On the fiscal note, there might be some small amounts that can be absorbed. There is no cost to this because they have solved the problem. If they solved the problem, then why not hold their feet to the fire and make sure they have. All this bill does is it says this woman or the dozens of other people who called me after I put this bill in, that if you get dragged off to jail and you have to spend the night or if it happens on a Friday and you have to sit in jail until Monday, this could happen to any one of us, this is a complete mistake. I could happen to any one of us and we could sit there in jail. There is no incentive for them to hurry it along. There is no incentive for them to make sure that you really should be there to contact somebody when you say that this warrant is in error. All this bill says is while you are sitting in jail rotting away and missing your life, that the Judicial Branch has to pay you \$50 an hour for wasting your time. This can't be done if you say that I shouldn't have been arrested. This can only be done if the warrant is completely in error. Somebody who says that they picked me up for drunk driving and I wasn't drunk, well, they don't count.

It is a person who the name was just a glitch in the system. We need some protection. These are people that have done nothing wrong and need some protection. It is the Executive Branch that failed them when they went to arrest to arrest them. It is the Judicial Branch that failed them by issuing this warrant in error. We are the only branch of government left to protect these people. I urge you to please use your head and vote red. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I want to make sure that people understand how a bench warrant works. When you don't pay your fine, something the people in this place have talked about on a number of occasions. When you don't pay your fines and you don't do what you are supposed to do, the court has the right

to issue a bench warrant for your arrest. Sometimes, it is very rare, in fact the court system came and talked to us and said that the numbers are extremely small, occasionally you will come in and you will pay your fine before you have to appear in court and the court is willing to discharge that bench warrant. Once in a while because of a clerical mistake, the bench warrant doesn't get discharged in sufficient time so that when the police officer finds you, you are, in fact, arrested. That has happened very, very rarely. In order to prevent that, the court system has initiated a process that will link computer systems such that when you pay the fine, when they enter into the computer in order to give you a receipt, it will automatically take care of the bench warrant. This will not be a problem in the future. This is a solution looking for a problem. I would urge you to follow the 12 to 1 report of the committee and vote the Majority **Ought Not to Pass** Report. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a problem. This has happened. If you don't pay the fine, you go to jail. They issue a bench warrant. If you do pay it or in the worst case scenario, if the good Representative from North Berwick, Representative MacDougall, has a fine and doesn't pay it, why should I go to jail because somebody punched it in wrong? That is what we are talking about. It has happened. It is not a solution looking for a problem. It is a problem that has happened that is looking for a solution. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to follow up on where I had a constituent that had almost the same thing happen to him. He was on his way to work at Goodwill Hinckley in Hinckley, Maine. He never made it to his job. Somewhere along the line he had been pulled over by the Somerset County Sheriff's Department, apprehended and arrested and turned over to the Franklin County Sheriff's Department on a frivolous bench warrant. The bench warrant was made out in a Matthew Allen's name, but lo and behold, they arrested the wrong Matthew Allen. The stuff that this individual went through was unbelievable. To say that this doesn't need to be put into place to protect the truly innocent, is absolutely wrong. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill of which I had put in a bill that would have alleviated the problem. There were mistakes made here. Let's not forget that the first mistake was made by the person who was driving under the influence. She broke the law. The second mistake was made by that same person because she didn't pay her fine on time. Just because a clerk when she took the fine gave the receipt to this person, by the way, which she couldn't find it when she was arrested, this person is going to be compensated for three mistakes that she made. I don't believe that this is the way it should be done. I had put in a bill saying that a warrant would not be issued unless the court would be in session. That, to me, would be a better idea of alleviating the problem than giving compensation to lawbreakers. Therefore, I would ask that you do support this **Ought Not to Pass** report. It will all be solved within the next year or so anyway. Thank you.

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

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

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

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

**ROLL CALL NO. 124**

**YEA** - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Colwell, Cote, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Collins, Cressey, Dugay, Haskell, MacDougall, Mendros, Michael, Shields, Snowe-Mello, Tobin J, Tracy, Treadwell.

**ABSENT** - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, Peavey, Stedman.

Yes, 131; No, 12; Absent, 8; Excused, 0.

131 having voted in the affirmative and 12 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Reduce Frivolous Protection from Harassment Actions"

(H.P. 889) (L.D. 1181)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)** on same Bill.

Signed:

Representative:

MENDROS of Lewiston

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution"

(H.P. 1084) (L.D. 1453)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

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

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

Signed:

Representatives:

MADORE of Augusta  
WATERHOUSE of Bridgton

**READ.**

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

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Authorize a School Board to Deliberate in Private"

(H.P. 1113) (L.D. 1482)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York



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

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

Signed:  
Representatives:  
WATERHOUSE of Bridgton  
MENDROS of Lewiston

**READ.**

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

---

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-332)** on Bill "An Act to Clarify the Status of Support Obligations if an Obligor Begins to Receive Public Assistance" (H.P. 1136) (L.D. 1522)

Signed:  
Senators:  
RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

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

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

Signed:  
Representatives:  
MADORE of Augusta  
WATERHOUSE of Bridgton  
SHERMAN of Hodgdon

**READ.**

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

Representative MADORE of Augusta **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. 125**

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap,

Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, Peavey, Stedman.

Yes, 90; No, 53; Absent, 8; Excused, 0.

90 having voted in the affirmative and 53 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-332)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-332)** 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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Majority Report of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Fund Community Health Access Programs" (H.P. 196) (L.D. 226)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Signed:  
Senators:  
LaFOUNTAIN of York  
DOUGLASS of Androscoggin

Representatives:  
DUDLEY of Portland  
MICHAEL of Auburn  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHÉ of Waterville

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

Signed:  
Senator:  
ABROMSON of Cumberland  
Representative:

GLYNN of South Portland

**READ.**

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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 to accept the Majority Refer to the Committee on Appropriations and Financial Affairs Report. All those in favor will vote yes, those opposed will vote no.

On motion of Representative NORBERT of Portland, **TABLED** pending the motion of Representative O'NEIL of Saco to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)** on Bill "An Act to Clarify the Application of the Definitions of 'Medical Necessity' and 'Medically Appropriate Health Care'"

(H.P. 216) (L.D. 251)

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHÉ of Waterville

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

Signed:

Representative:

GLYNN of South Portland

Representative MICHAEL of Auburn – of the House – abstaining.

**READ.**

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

Representative GLYNN of South Portland **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.

On motion of Representative NORBERT of Portland, **TABLED** pending the motion of Representative O'NEIL of Saco to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)** on Resolve, to Establish the Commission to Develop and Finance Health Care Coverage for All Maine People (EMERGENCY)

(H.P. 1121) (L.D. 1490)

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland  
MICHAEL of Auburn  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHÉ of Waterville

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

Signed:

Senator:

ABROMSON of Cumberland

Representative:

GLYNN of South Portland

**READ.**

On motion of Representative O'NEIL of Saco, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 613)

**ORDERED**, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill related to funding for the Lewiston-Auburn College Teachers for Elementary and Middle Schools Project.

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

**READ** and **PASSED** in concurrence.

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands

(S.P. 612) (L.D. 1792)

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

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

**Non-Concurrent Matter**

Bill "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission"

(H.P. 996) (L.D. 1333)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **UTILITIES AND ENERGY** was **READ** and **ACCEPTED** and the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307)** in the House on May 7, 2001.

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

On motion of Representative SAVAGE of Buxton, the House voted to **ADHERE**.

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

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

(S.P. 420) (L.D. 1376) Bill "An Act Concerning the State Court Library System" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 148) (L.D. 492) Bill "An Act to Reimburse Communities that have Constructed Sand and Salt Sheds and are Rated Priority 1 or 2" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-148)**

(S.P. 296) (L.D. 1007) Bill "An Act to Amend the Laws on Current Use Taxation to Exclude Property that is Subdivided After Classification" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-141)**

(S.P. 509) (L.D. 1596) Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

(S.P. 542) (L.D. 1688) Bill "An Act to Amend the Personal Sports Mobile Franchise Law" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)**

(S.P. 565) (L.D. 1725) Bill "An Act to Prevent Interstate and International Smuggling of Illegal Drugs into the State by Creating the Crime of Illegal Importation of Scheduled Drugs" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)**

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

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

(S.P. 425) (L.D. 1380) Bill "An Act Regarding Uninsured Drivers" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)**

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

On motion of Representative COLWELL of Gardiner, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT** – Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-213)** – Minority

(4) **Ought Not to Pass** – Committee on **CRIMINAL JUSTICE** on Bill "An Act to Offer Reciprocity Concerning Concealed Firearms Permits"

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

**TABLED** – May 2, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING** – **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. I was on the Minority Report on this one. Basically the reason why is nobody came in front of our committee and gave us a reason why we should do this. What it is going to allow is it sets up for the State Police to enter into contracts with other states and states that have the exact same guidelines as our state on concealed weapons, one permit in Michigan or Minnesota, would be the same as having it here. I personally just prefer the idea of having people who want concealed weapons in Maine getting their permit through the Maine State Police. I would ask for a roll call and urge you to vote against the Majority Report.

Representative **MITCHELL** of Vassalboro **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**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 259 is "An Act to Offer Reciprocity Concerning Concealed Firearms Permits." It received a 9 to 4 **Ought to Pass** through the Committee on Criminal Justice. This bill allows a person to carry a concealed firearm in the state if that person has a concealed firearms permit from another state or country and a permit to carry concealed firearm from that state or country is granted reciprocity. Reciprocity is granted to a permittee to carry a concealed firearm through another state or country if the other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm in Maine. Two, the other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.

We received testimony from the deputy chief of the State Police. He spoke neither for nor against. He is not opposed to the concept establishing recognition of permits issued by another state through a reciprocity agreement. What he is concerned is about having the personnel to implement the work. It has a pretty good fiscal note on it, but that doesn't bother us in this body. I supported the bill because I have confidence in our State Police that they have the tools and the ability to recognize and manage the rules of the other states to make sure that their laws are equivalent or stricter than Maine laws. There are quite a number of states that do recognize reciprocity with Maine already. It is a concept that it is not the biggest deal in the world, but I think it is good for the people who hunt from other states and want to come to Maine. It is an economic tool to allow them to come to Maine a little easier. It is probably not going to mean that a hunter is not going to come to Maine, but it is a courtesy agreement and I urge you to support the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative LESSARD: Mr. Speaker, Men and Women of the House. For whoever might answer it on the Criminal Justice Committee, these concealed firearm permits, the majority of them are issued by the municipalities through their elected officials. Would this encompass the permits that are issued by the municipalities?

The SPEAKER: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. The reciprocity agreement would be for those who carry a concealed weapon to carry permit from other states or countries. Those would not affect a permit holder in Maine, regardless of the origin of the permit.

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

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Mr. Speaker, Men and Women of the House. Point of clarification, Mr. Speaker, just curious what the fiscal note is exactly on this bill? Also, how many other states have requirements that are more strict than the minimal requirements that the State of Maine has at this time.

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. I can answer the first question, but I can't answer the second question because I didn't hear it. The fiscal note is one position. It is \$50,000 the first year and \$57,700 the second year. It is the intent of this chair to fight this fiscal note. I think it is a little too high. There is some work to do on the fiscal note. We don't believe that it would require a position.

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

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

The SPEAKER: The Representative may pose his question.

Representative LESSARD: Mr. Speaker, Men and Women of the House. Will the state's honoring that reciprocity agreement honor the permits from the State of Maine into another state? I think that is the intent of my first question.

The SPEAKER: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for the pending motion. Yes, the State of Maine would reciprocate with other states if their laws were equal or more strict than the State of Maine. In other words, if their laws regarding a license to carry a concealed weapon were of a lesser nature in the State of Maine, then they wouldn't be recognized. This is simply a convenience for law-abiding citizens. We recognize other people's driver's licenses when they drive in the State of Maine. If you are a schoolteacher and certified in Massachusetts, your license may be recognized

to teach in the State of Maine. My wife is a registered nurse. She took the Board of Nursing License exam in Massachusetts and when she came to Maine, her license was recognized in the State of Maine. This is basically a convenience for law-abiding citizens. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 259. I was part of the majority on the committee that recommended the Ought to Pass. This was a bipartisan majority of Democrats and Republicans who respect the fundamental right of responsible people to bear arms.

This bill does not change Maine gun laws or the protection of Maine citizens. It simply clarifies Maine law so that we can have reciprocity agreements with other states. In essence, Mr. Speaker, we tell good gun citizens that if they have a firearm permit in another state that has laws at least as strict as ours, they are welcome to visit Maine. Of course, our good gun citizens would have the right to be in those states.

The present law, Mr. Speaker, makes no sense, other than an example of state government grabbing money wherever it can. Why should we demand that someone buy a Maine permit when they already have a permit to carry a firearm in their home state?

The deputy chief of police told the Criminal Justice Committee last March that, and these are his exact words from testimony, "The State Police are not opposed to the concept of permits issued by another state through a reciprocity agreement." We have no fear of increased crime. First, people who have permits have been cleared already in their home states just as we do for our residents who seek permits.

Second, let me quote from a Detroit news article last January that quoted Professor John Lott, who was the author of a comprehensive study of right-to-carry laws. He is quoted by the newspaper as saying, "National surveys of policy show they support concealed handgun laws by a 3 to 1 margin. There is also not a single academic study that claims right-to-carry laws have increased crime rates." The professor is then quoted as saying, "The debate among academics has been over how large the benefits have been."

Those who have permits to carry a concealed firearm are proven statistically to be far more law-abiding than the general public at large. On average, according to FBI statistics, states that allow concealed weapons have 26 percent lower total violent crime rate, 20 percent lower homicide rate, 2 percent lower rape rate, 39 percent lower robbery rate, 22 percent lower aggravated assault rate compared to other states and the District of Columbia where there are bans or severe restrictions on carrying a concealed weapon.

This is reassuring to me, Mr. Speaker, because the right to self-defense is a fundamental right. The right to bear arms are inextricably linked. This is a fairness bill. This is a bill that tells the rest of the country that Maine respects its standards. Please vote yes on LD 259.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I have no objections to people carrying concealed weapons. I don't have an objection to people coming from out-of-state in order to obtain a permit and pay the revenues with respect to the permit that is involved here. What I do have a problem with, however, is as you look at the House Amendment "A" (213), you will see that what we are doing here in order to give some people who come from out-of-state residents who come here, we are going to lose \$5,000 in

revenue to make it a little easier for people to get a concealed weapons permit. That is okay. I don't mind losing \$5,000, but from where I come from, it doesn't cost you \$50,000 to do it. What we have here is a situation where we are going to lose \$5,000 in revenue so we can make it a little easier for people to carry a concealed weapons permit from out of state, but it is going to cost us, the taxpayers, \$50,000 to do it. I am not against anyone carrying a concealed weapons permit. In fact, those people that come from out-of-state can go see the chief of police of the State of Maine, go see Chief Chitwood in Portland or anywhere else for that matter and they will give you a permit from out-of-state that won't cost much money. It certainly won't cost the taxpayers of the State of Maine \$50,000. That is why I am going to vote against this measure.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. If anybody believes that if this bill passed that the amount of paperwork and scrutiny would take a full-time position of \$50,000, then I think that person ought to support the bill that we have had in front of us for an audit of all state departments. This seems to me to be absolutely outrageous fiscal note. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, I am curious with regards to the wonderful hunting tradition that we have here in the State of Maine, how our neighboring states, Massachusetts, New York, Connecticut, Rhode Island, states that border us as well as our friends to the north in Canada, what their stand is on this? Do we have reciprocity with those states as well as the country of Canada?

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Colleagues of the House. I can answer the question about Canada having just visited it last winter on an ice-fishing trip. In Canada they have now passed regulations that require you to basically have a background check when you cross the border. What that does is it allows them to say no to bringing guns over into Canada for anything basically, OUIs or anything. We just found that out when we were discussing trade issues with the Canadians. Many of our residents were not allowed to go over the border because they had an OUI in their background. The Canadian government has made it very difficult for anyone in the country to own firearms. Many of the people that I visited with, the camp owners, the sportsmen, were basically in fear of their government because of what they had done with their Canadian gun control laws. Anyone who now owns a gun in Canada must have a card to carry that gun. If they want to buy ammunition or sell their gun, they have to have another card. Each of those cards require extensive background checks. I don't believe we can have reciprocity with Canada. Having finished my testimony, I would like to ask a question of the Representative from Brunswick. If this bill passed, would it not save the residents of this state a great deal of money having to go to other states to apply for a permit and then pay for that permit?

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. I will attempt to answer Representative Muse's question. The following states currently recognize Maine's concealed weapons permit, Idaho, Indiana, Michigan, Vermont and Wyoming. Vermont does not have a requirement to have a concealed weapons permit at all. They don't need to recognize ours. Massachusetts does not recognize Maine's concealed weapons permit. New Hampshire does not. Rhode Island does not. I hope that answers your question.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I just happened to hear the comment from the good Representative from Brunswick as far as costing the taxpayers. The interesting phenomenon that we run into up here once we have been here for a while is that bills that the departments do like have a fiscal note saying that this can be absorbed within existing resources. Bills that the departments don't like invariably call for more money or a position. I would say that looking at this bill and the fiscal note, the fiscal note is a bogus fiscal note and if I had my way, departments that came before my committee or any committee that I had any say in with this type of fiscal note would not get the position, they would have a position taken away.

The SPEAKER: The Chair recognizes the Representative from Baldwin, Representative Cressey.

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

The SPEAKER: The Representative may pose his question.

Representative CRESSEY: Mr. Speaker, Men and Women of the House. First question is, how many out-of-state permits are expected to come in with this bill? The second question is, how is whatever that number of permits, whatever that number may be, how is it justified for additional personal services person that is estimated by the Office of Fiscal and Program Review to be able to justify this number? Furthermore, if the request is yet to be made, I ask for a roll call.

The SPEAKER: A roll call is in order. The Representative from Baldwin, Representative Cressey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House. I don't think anyone on the committee can answer that first question because nobody came forward and said that anybody needed this. Nobody said that there were several people coming here who wanted to not have to pay the fee. Nobody said that there were plenty of people in Maine that wanted to go away and needed reciprocity.

I wanted to clarify a couple of things about the Majority Report. It is in the amendment and one thing is pretty straightforward. There is a rather glaring constitutional problem with the bill as written so they did amend it. The State Police are not allowed to enter into treaties with other countries. It is just other states. It is only states that have stricter rules than us that would not be included because they would have no interest in joining in an agreement with the state with our strict rules.

Once again, the reason that I will be voting against this report is because nobody came forward and presented us with a problem. I urge you to vote against the Majority Report again. Thank you.

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

Representative SCHNEIDER: Mr. Speaker, Men and Women of the House. At this point, I would like to come forward in response to the Representative from Vassalboro invitation and ask you to pass the Majority Report so that I can use my permit to carry concealed in other states. Thank you.

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

Representative LESSARD: Mr. Speaker, Colleagues of the House. I think the one problem that I have with this is that the majority of concealed firearm permits are issued by municipalities under the opuses or the direction of our directed officials. Those background investigations are as inclusive and thorough as the State Police are. The other problem I have is that traveling from here to most anywhere you are bound to go through the State of Massachusetts or New York. You are in violation when you do have your firearms with you, whether you have a firearms permit from Maine or otherwise, other than New York or the individual state that you are in. It really doesn't do any good unless all the states are in agreement as to how we should treat the permits issued by individual states, even the municipalities. I will be voting against this.

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. 126**

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Bouffard, Bowles, Brooks, Bruno, Bryant, Bumps, Bunker, Canavan, Carr, Chick, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Fisher, Foster, Fuller, Glynn, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Kane, Kasprzak, Landry, LaVerdiere, Ledwin, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Berry RL, Blanchette, Brannigan, Bull, Chase, Chizmar, Cummings, Davis, Desmond, Dorr, Dudley, Etnier, Gagne, Gerzofsky, Green, Hall, Hutton, Jones, Koffman, Laverriere-Boucher, Lemoine, Lessard, McKee, McLaughlin, Mitchell, Muse C, Norbert, Norton, O'Brien LL, Paradis, Quint, Richardson, Skoglund, Sullivan, Twomey, Volenik, Watson.

ABSENT - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, Peavey, Stedman, Mr. Speaker.

Yes, 105; No, 37; Absent, 9; Excused, 0.

105 having voted in the affirmative and 37 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-213) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-213)** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (11) **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS - Minority (2) Ought Not to Pass** - Committee on **BANKING AND INSURANCE** on Bill "An Act to Fund Community Health Access Programs"

(H.P. 196) (L.D. 226)

Which was **TABLED** by Representative NORBERT of Portland pending the motion of Representative O'NEIL of Saco to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report. (Roll Call Ordered)

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. You have before you a proposal to spend \$1.5 million to appropriate that money and put it in a fund, which is going to be the Affordable Health Care Fund. This bill rightfully was referred to the Banking and Insurance Committee to make a recommendation to work the bill and to establish a reasonable insurance program. Instead, our committee, the Banking and Insurance Committee, with four members absent, didn't hold a public hearing and referred it to Appropriations. I say to you fellow members of the House that the Banking and Insurance Committee is the policy committee that should be deciding health care or recommendations to be brought forward to this body. The Appropriations Committee is already charged with the daunting task.

I looked over this proposal and I attended the committee meetings that brought forward the recommendation. I can say to you that essentially what it does is it creates another government program with a fund to go into competition with the private sector marketplace and it purports to it by funding it with taxpayer money, \$1.5 million. It never does say where the \$1.5 million is going to come from. Although all the money around here appears to be taxpayer's money to me.

I say to you that if we are going to proceed with this proposal, the Banking and Insurance Committee should set some reasonable standards, work the bill and make a suitable recommendation and not shirk its responsibilities by referring it to Appropriations. As far as this one Representative goes, I can think of a lot of really good uses of \$1.5 million starting with school funding, which I think is of a higher priority than this program that is going to compete with the private sector. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Colleagues of the House. I thank the good Representative from South Portland for explaining this bill. It is a reference to the Appropriations Committee, the Banking and Insurance Committee picked up where the Select Commission to Study Private/Public Purchasing Alliances left off. That was a commission that met over the summer. I was a member. We worked diligently. We learned an awful lot about the concept of purchasing alliances and how this somewhat comes close to a purchasing alliance. It is community access health care that the committee embraced as a sort of a pilot project to try to get some flexible insurance and

health care deliver mechanisms in place for under served areas for areas that might or definitely do have high uninsured populations. Businesses with a high propensity of what they call micro-businesses one to four employees who don't have access to the traditional small-group policies or the individual policies because of the cost.

The \$1.5 million is the part that the Banking and Insurance Committee can't do, in answer to the good Representative's question of to where the money comes from. I would love to be able to produce it, but I can't. The fact of the matter is there are already a couple of areas in this state that have gone down this path a little bit. They have funded themselves a little bit. There are other areas that could apply for this money. The Department of Health and Human Services will administer it. The \$1.5 million appropriation request is just that. It is a request, just like hundreds of millions of dollars in requests that the good Committee on Appropriations hears every year. It is only a request until it is appropriated. This concept can survive even without that money. They are seeking other monies. They would like to have that and it would certainly help. That is as far as the Banking and Insurance Committee could go. We set reasonable standards. We worked the bill over and over again. There is another bill that accompanies it that enables this. As far as jurisdiction is concerned, we have done as much as we can under our jurisdiction, under health care policy matters. There is, as you know, an overlap. Health and Human Services, Banking and Insurance and Appropriations because health care is expensive. We are handing off to Appropriations. They will deem whether this merits funding and if so, how much.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Without belaboring the point too much further, if you take a look at LD 226, you will see that this program is a program that is not going to help the poor. Individuals eligible for health care coverage under Medicare or Medicaid are not eligible to receive subsidy from this fund. If you go on and you read the language a little bit further, it is also interesting to note that this fund is a non-lapsing fund, which means that any excess funds may only be used for the purposes of this bill. Once you put the money in it, you can't get it out.

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

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am compelled to rise to support this bill in part because the communities in my district are some of the communities that have gathered together to establish a health care plan that will provide the kind of coverage and preventative care that folks on our island, working class folks need and aren't getting. When I went door-to-door in my campaign last summer and fall, one of the most often asked questions was questions asked by folks in their 20s and 30s who are running small businesses with one, two, three, four or five employees who can't afford to carry the insurance for themselves and their employees at today's rates. Our community came together through about two years of research and study to create its own regional plan, its own regional entrepreneurial approach to solving a problem. We are looking at outside grant funds, but, in part, we are hoping to have some seed money to get this pilot off and running. If it succeeds in our area, it could succeed all over the state and reduce health care costs to thousands and thousands of middle income and lower middle income workers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I was just going to say that I believe the pending motion is to refer this to Appropriations, but it sounds like to me from the testimony given by the good Representatives from Saco and South Portland that the committee members of Banking and Insurance are very knowledgeable about this subject and it seems like it is the appropriate place for this bill to be. I would request that you would vote against the pending motion. Thank you.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is acceptance of the Majority Refer to the Committee on Appropriations and Financial Affairs Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 127**

YEA - Ash, Baker, Berry RL, Blanchette, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Carr, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, McNeil, Mendros, Morrison, Murphy T, Muse K, Nass, Nutting, Pinkham, Rosen, Schneider, Sherman, Shields, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Bliss, Bouffard, Buck, Cowger, Daigle, Duncan, Labrecque, Peavey, Stedman.

Yes, 98; No, 43; Absent, 10; Excused, 0.

98 having voted in the affirmative and 43 voted in the negative, with 10 being absent, and accordingly the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report was **ACCEPTED** and sent for concurrence.

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

**HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-328) - Minority (1) Ought Not to Pass - Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Application of the Definitions of 'Medical Necessity' and 'Medically Appropriate Health Care'"**

(H.P. 216) (L.D. 251)

Which was **TABLED** by Representative NORBERT of Portland pending the motion of Representative O'NEIL of Saco to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered)

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask you to consider defeating this bill, which

constitutes in my mind bad public policy. What the bill seeks to do is change the standards in the Patient Bill of Rights regarding the terms of medical necessity. Currently with the Patient Bill of Rights, if someone is aggrieved by a decision of the health carrier, they have several options. Among those options guaranteed to them under the Patient Bill of Rights is to ask for an external review. The Patient Bill of Rights has been in effect about seven or eight months now. Now isn't the time to start monkeying with it in order to find out how, in fact, this is going to shake out, in as much as its expenses on the industry and how it is going to affect all of us in the premiums that we pay.

At the public hearing on LD 251, the industry testified in opposition to this bill. Joe Mackey from the HMO Council testified against it. Ed Pineau from Aetna testified against it. Jadine O'Brien from Anthem testified against it. They came out in opposition to it for these reasons. When asked the question if this LD passed, would it increase premiums? The answer was yes. Are you ready to increase premiums? Are you ready to take this issue on without there being an identified problem? The second question asked at the hearing is, give us an example of someone that currently the external review process doesn't work for, the Patient Bill of Rights process doesn't work for? Show us the examples. There was a lot of talk, but there wasn't a lot of examples. Finally, one provider brought forward an example and when asked if the client went through the external review process, the answer was, I don't think so. In fact, they didn't even use the provisions in the existing bill of rights. So, what are we doing? We are just changing it for the sake of changing it. What is in jeopardy? Higher premium costs.

The proposal that was voted out is an amended watered down version of a bad bill. It is still a bad bill. I urge you to vote no.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I understand where the previous speaker, the good Representative from South Portland, is coming from. Unfortunately, he is talking more about the original bill and very little about what you have in front of you, which is the amendment, (H-328). That amendment was developed by the Maine Medical Association and the HMO Council. Both Andrew McClain for the Maine Medical Association and Mr. Mackie from the HMO Council, Ed Pineau from Aetna and the new representative from Anthem worked on this amendment and all have signed off on it. They all agree to what you have in front of you. In addition to that, they feel that this, as amended, with (H-328), will have no affect on health insurance premiums. There was a problem. There is bound to be a problem when you develop a bill such as the Patient Bill of Rights, which we spent four and a half months doing last year, this surfaced from the providers, the medical community, there were some problems with the definition of medically necessary health care. The medical community came in with it. The HMO council rightly was not happy. For six weeks they sat down and developed something that everybody could live with. This is an 11 to 1 to 1 report. I would urge the committee to accept the majority Ought to Pass as Amended Report. Thank you.

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. 128

YEA - Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cummings, Davis,

Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Carr, Cressey, Duprey, Foster, Glynn, Kasprzak, MacDougall, Murphy T, Tobin J, Treadwell, Waterhouse.

ABSENT - Bagley, Bliss, Buck, Cowger, Daigle, Labrecque, Peavey, Stedman.

Yes, 130; No, 13; Absent, 8; Excused, 0.

130 having voted in the affirmative and 13 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-328) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-328)** 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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#### 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.

Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

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

- In House, Minority (5) **OUGHT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** on April 24, 2001.

- In Senate, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE.**

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

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative **TUTTLE** of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE.** Sent for concurrence. **ORDERED SENT FORTHWITH.**

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Resolve, to Name Route 302 the 10th Mountain Division Highway

(H.P. 95) (L.D. 99)  
(C. "A" H-219)

TABLED – May 7, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **FINAL PASSAGE.**

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws" (H.P. 1339) (L.D. 1794)

Presented by Speaker SAXL of Portland. (GOVERNOR'S BILL)  
Under suspension of the rules, cosponsored by President MICHAUD of Penobscot and Representatives: BRUNO of Raymond, COLWELL of Gardiner, NORBERT of Portland, SCHNEIDER of Durham, Senators: President Pro Tem BENNETT of Oxford, DAGGETT of Kennebec, DAVIS of Piscataquis, SMALL of Sagadahoc, TREAT of Kennebec.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Allow Washington County to Elect Its Own District Attorney"

(H.P. 354) (L.D. 444)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) AND HOUSE AMENDMENT "A" (H-111)** in the House on April 11, 2001.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion of Representative BUNKER of Kossuth Township, the House voted to **RECEDE.**

The same Representative presented **House Amendment "A" (H-151)** to **Committee Amendment "A" (H-77)** which was **READ** by the Clerk.

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

**Representative BUNKER:** Mr. Speaker, Men and Women of the House. This is kind of a technical amendment. It basically removes the mandate. We found there to be a tax savings in Washington County and not a cost other than the position that is being requested. I ask that you support this amendment and allow me to work with our other colleagues down at the other end of the hall. Thank you.

**House Amendment "A" (H-151) to Committee Amendment "A" (H-77)** was **ADOPTED.**

**Committee Amendment "A" (H-77) as Amended by House Amendment "A" (H-151)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-77) as Amended by House**

**Amendment "A" (H-151)** thereto and **House Amendment "A" (H-111)** in **NON-CONCURRENCE** and sent for concurrence.

**ORDERS**

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1340)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill regarding laws governing the Department of Defense, Veterans and Emergency Management.

**READ and PASSED.**

Sent for concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Allow Children Less than 16 Years of Age to Hunt, Fish and Trap without a License"

(S.P. 466) (L.D. 1519)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro  
CHICK of Lebanon  
CLARK of Millinocket  
USHER of Westbrook  
TRACY of Rome  
McGLOCKLIN of Embden  
BRYANT of Dixfield  
HONEY of Boothbay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-143)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representative:

PERKINS of Penobscot

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

**READ.**

On motion of Representative DUNLAP of Old Town, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-339)** - Committee on JUDICIARY on Bill "An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee"

(H.P. 569) (L.D. 724)

Which was **TABLED** by Representative LaVERDIERE of Wilton pending his motion to **ACCEPT** the Majority **Ought to Pass Report**.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. This bill basically deals with the question of how guardian ad items are treated for the purpose of the Maine Tort Claims Act. It is a straightforward bill. I urge the members on a division to vote the Majority Ought to Pass Report.

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

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

#### UNFINISHED BUSINESS

The following matter, 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.

Resolve, to Establish a Fatherhood Issues Study Commission (EMERGENCY)

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

(C. "A" H-87)

**TABLED** - May 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - FINAL PASSAGE.** (Roll Call Ordered)

On motion of Representative TESSIER of Fairfield, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-87)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-362)** to **Committee Amendment "A" (H-87)** which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Mr. Speaker, Men and Women of the House. The amendment that I am proposing takes off the emergency preamble and creates a regular bill without the emergency.

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

Representative WATERHOUSE: Mr. Speaker, parliamentary inquiry. Are we dealing with the amendment now or the bill?

The SPEAKER PRO TEM: We are dealing with the amendment.

**House Amendment "A" (H-362)** to **Committee Amendment "A" (H-87)** was **ADOPTED**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **ADOPTION** of **Committee Amendment "A" (H-87)** as **Amended by House Amendment "A" (H-362)** thereto.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-87) as Amended by House Amendment "A" (H-362) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 129

YEA - Annis, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bumps, Chase, Clough, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Haskell, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Morrison, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Treadwell, Waterhouse.

ABSENT - Bagley, Bliss, Buck, Cowger, Daigle, Goodwin, Labrecque, McGowan, Mitchell, Muse K, Peavey, Stedman.

Yes, 111; No, 28; Absent, 12; Excused, 0.

111 having voted in the affirmative and 28 voted in the negative, with 12 being absent, and accordingly **Committee Amendment "A" (H-87)** as **Amended by House Amendment "A" (H-362)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (H-87)** as **Amended by House Amendment "A" (H-362)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

#### REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Require Lifetime Probation for Dangerous Sexual Offenders"

(H.P. 374) (L.D. 476)

Signed:

Representatives:

POVICH of Ellsworth

O'BRIEN of Lewiston

BLANCHETTE of Bangor

QUINT of Portland  
PEAVEY of Woolwich  
MITCHELL of Vassalboro  
WHEELER of Bridgewater  
GERZOFKY of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-350)** on same Bill.

Signed:

Senators:

McALEVEY of York  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

TOBIN of Dexter  
SNOWE-MELLO of Poland

**READ.**

Representative POVICH of Ellsworth 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.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)** on Bill "An Act to Require State Approval Prior to Introducing Wolves into Maine" (H.P. 581) (L.D. 736)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln

Representatives:

DUNLAP of Old Town  
CLARK of Millinocket  
HONEY of Boothbay  
USHER of Westbrook  
McGLOCKLIN of Embden  
BRYANT of Dixfield  
TRAHAN of Waldoboro

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

CHICK of Lebanon  
PERKINS of Penobscot  
TRACY of Rome

**READ.**

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative BULL of Freeport **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 PRO TEM**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. First of all, I apologize for my voice, but I will try very hard so that it is not too terribly raspy to hear. I would urge you to reject the Majority Ought to Pass Report and accept the

Minority Ought to Pass Report for these reasons. I find this bill disturbing. This is the first time, I think, that I have seen a bill to come before the Legislature, which would allow the state to prohibit a certain animal. This prohibits the reintroduction of the gray wolf. My concern is, why are we now naming ourselves as the experts here? Quite frankly, I think it has something to do probably with prejudice or the fear of losing some of our own prey. We, as predators, our prey, the white tailed deer. In 1997, almost 80 percent of the people of the State of Maine said that they favored wolf recovery on some level. I would think that given that report, as well as the fact that we do entrust IF & W along with US Fish and Wildlife to review recovery and to bring it before the public. I should think that this bill is out of order and it is unneeded. There is no need to politicize wildlife planning.

Predator is a very strong word. It is an animal that lives by killing and eating animals. The wolf is a predator. We have had bullfrogs, alligators, rattlesnakes, hawks, woodcocks, wolves, weasels and shrews all predators and all a part of our biological ecosystem. Predator loss leads to biodiversity loss. This is a serious issue. I would urge you to think about our attitude toward our wildlife policy and think about the importance of retaining all pieces of our ecosystem. When the time comes, we all be a part of that public discussion. I, like you, was probably asked by the Sportsmen Alliance of Maine, with which my husband is a member, how I felt about recovery and reintroduction. I have always answered that questionnaire by saying that I approve of recovery. Obviously that is the part of wildlife management of the State of Maine if an animal comes here and insinuates itself and then we are going to participate in the recovery. I have really never said I supported the reintroduction. Until this year I have begun to think about it more seriously because we did have a bill in Agriculture, Conservation and Forestry about wolf hybrids and we learned a lot about wolves during that period.

One of the things that I learned was that if a wolf does stray into the State of Maine and is a single wolf alone, in most likelihood that wolf will, in fact, mate with the coyote population. That is not something that we want to see that will make the coyote population a much more fearsome population than it already is. Of course, the coyote is the prey of the wolf. Many of you are concerned about coyotes. Quite frankly, I rather enjoy hearing them. I heard them just the other night on our farm. I understand that as their numbers grow, there is no predator. The wolf is the predator. Certainly the wolf requires a lot of space, but in New York, Vermont, New Hampshire and Maine we probably do have about 18,000 square miles of suitable wolf territory that would support well over 1,000 wolves. I am not saying that that is good or bad. I am just saying, let's not pass a law here that ties our hands, that absolutely prohibits this state to reintroduce the gray wolf. The big old bad gray wolf of Little Red Riding Hood and the wolf in sheep clothing all part of what happened after the wolf bounty. Wolves were not seen as the big bad wolf by the aboriginal cultures who lived here. It was only our European ancestors who brought that from Europe with them along with their Grimm's Fairy Tail stories of the wolf.

Let's leave our options open. Let's not politicize wildlife management and let's go on and defeat the Majority Ought to Pass Report here. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would like to respond briefly to the comments from the Representative from Wayne, Representative McKee. This bill does not prohibit the introduction of wolves in the State of Maine. That is not accurate. This legislation deals with an issue that is already politicized. It does not politicize the issue. The issue about wolf recovery in the State of Maine is already a

political hot potato, no less so than the issue that surround Atlantic salmon or many of the other wildlife issues that we deal with, either in front of the Committee on Inland Fisheries and Wildlife, Natural Resources, Marine Resources or Agriculture, Conservation and Forestry.

What this bill does stems largely from what it had originally been intended to do. This is a result of much discussion over the last couple of years. There was a proposal brought forward to prohibit introduction of wolves. I think that was a measure that could have garnered significant support. There is a lot of fear about what the state could look like if it were subject to such an introduction, not only in the forest practices community, but also in the recreational community. Private landowners have talked about many of their concerns dealing with a forest wolf recovery effort, namely introduction. Wolves have been extricated from the State of Maine since the 1880s. That was possible because there were never very many here in the first place, unlike coyotes, which tend to be very fast breeders and can replace themselves very, very quickly and are less subject to that type of depletion.

In response to the call for a bill to ban introduction of wolves, I entered into some discussions with some interested parties. I thought it would be much more prudent instead of taking the State of Maine out of that conversation all together, that is essentially what you do, you say we are going to ban the introduction of wolves, that is the end of the story. We are not going to be part of that discussion any longer. The only party that would be interested in doing it probably would be the United States Fish and Wildlife Service. If they came across any action by the State of Maine that is similar, actually identical to the action taken a couple of years ago by the State of New Hampshire, which did, in fact, ban introduction of wolves, then their options are very limited. They can either do it on tribal land or they can do it on federal land. There is very little federal land in the State of Maine. If people who are very concerned about the creation of a national park, it would be a real red flag to ban wolves. That is one more incentive for the federal government to buy land to do exactly that if they were to follow that avenue.

What we came up with was something else. Instead of taking ourselves out of the conversation, put ourselves at the forefront of it. There has been a lot of discussion about how unnecessary and ineffective this legislation is because of the supremacy clause in the United States Constitution that we can't tell the federal government what to do, which is absolutely accurate. This is really a diplomatic tool to tell the federal government, underline it, that we want to be part of that discussion, whatever it looks like, whether it looks like a natural recovery program or a regional introduction program. We want to have some input into that process as a State Legislature and in concert with the Executive Branch in the Department of Inland Fisheries and Wildlife. This is not only current practice, it is essentially current law in terms of how we handle endangered species in the State of Maine. Endangered species, too, do not forget, are also approved by the Legislature, not because we are experts, but because we are public policy makers. The listing of a creature on the Endangered Species List and its accompanying impact are a matter of public policy, whether we are experts or not. I would argue that rather than politicizing the issue, this rather de-politicizes it. It puts us where we belong, which is in the political debate on the issue of wolf recovery.

Is it really going to be an effective tool in dealing with the federal government? On its fact, no, because it has no legal standing against the federal government. However, it does underscore that we do wish them to follow their current practice of involving state government in this type of policy decision. It is really not about whether the wolf is a good thing or a bad thing.

It is about whether or not we want to be part of that conversation. For that reason alone, I would urge you to accept the Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Bull.

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

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. To anyone who cares to answer, does not the Maine Endangered Species Act already require public participation and legislative oversight, therefore making this bill redundant and unnecessary? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Freeport, Representative Bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To answer the Representative's question, I would say, no, because the gray wolf is not listed on the State Endangered Species List. If it were, this bill would truly be unnecessary because it would have to follow that exact process. Because it is considered an extricated species, it does not belong on the Endangered Species List because it is not endangered because it does not exist in the State of Maine officially. That is why we are using this vehicle instead.

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

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

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

Representative **KOFFMAN**: Mr. Speaker, Men and Women of the House. I respect Representative Dunlap's response to this issue and his floor speech. I wanted to ask this, it is asked in all seriousness or I wouldn't ask it, does he feel that the State of Maine's role and the role of Inland Fish and Wildlife ought to be a passive role in this respect or an active, proactive sort of role? Are we going to wait to react to federal activity or are we going to be the leader of discussion on reintroduction? Thank you.

The SPEAKER PRO TEM: The Representative from Bar Harbor, Representative Koffman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To answer the Representative's question, I do believe that we should be active in this field, not only with wolves, but I think with all predators, canine, feline or whatever. We tend to be fairly reactive to these types of issues. I think the situation along the Canadian border with the lynx is a good example of that. These things move along and then all of a sudden they become a crisis and we find ourselves filing lawsuits and reacting. It is not part of this proposal, but I think it is something we are thinking about on the Committee on Inland Fisheries and Wildlife, looking at how we handle our comprehensive management plan for all species including canine predators.

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

Representative **MCKEE**: Madam Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Perhaps this is a semantic question, but if this is an act to require state approval prior to introducing wolves into Maine and we pass this, isn't that the same as prohibiting the introduction of wolves into Maine?

The SPEAKER PRO TEM: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To answer the Representative's question, in a way it is and in a way it is not. Like I said before, given the supremacy clause in the Constitution, we really can't prohibit the federal government from doing what they wish, if the federal government chose to do this on their own without either advice or consent from the state either through its legislative bodies or judicial or executive branches of government. They could do so. They do have that type of power. However, I think on the face of it, it does prohibit other groups from doing this. We have already had significant issues with illegal introductions taking place by private entities. We keep talking about the federal government, but this would really include any organization, federal or otherwise. As far as our relationship with the federal government, this is more of a diplomatic issue. For private entities, it is more of a legal issue. It would require state approval for that. That would have to come under the auspices going back to the Representative from Bar Harbor, Representative Koffman's question, some engagement in state management plan. I think we need to be a bit more comprehensive how we look at this and get away from simply the idea of a prohibition.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Having risen twice, I apologize. One last comment, in the past two months we have been talking about sustainable communities. You are for sustainable communities and I am for sustainable communities, but for many of us without the kinds of industries that will make us sustainable, we have to look to other things. One of the things that I have learned about a town in Minnesota, which has become one of the world's most famous destination points, is making a huge amount of money, millions of visitors per year flying into Minnesota to go to the wolf center and to listen to the wolves and to learn about the wolves. I am just throwing that out as one of the positives of the reintroduction of wolves. I just don't want us to sell ourselves short here with a vote like this. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Report of this bill. I will explain why. It doesn't make a bit of difference to me. I have no qualms if the wolf is reintroduced or isn't reintroduced, but I do have a problem and I heard it consistently when I was down in the public hearing that this bill is redundant. Planning for the recovery of the endangered species already requires the US Fish and Wildlife Service to work with the Maine Department of Inland Fisheries and Wildlife to seek public and scientific input. That is exactly why I oppose this. If it is redundant and the good Representative, Representative Dunlap, has already said that according to the Constitution, there isn't much we can do about the reintroduction of this. I would suggest that we defeat the pending motion and accept the Minority Report. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I will be very short. I feel I must stand in defense of the fine Representative from Old Town. Our committee worked very hard on this issue. We came out with a divided report, but I am on the Ought to Pass as Amended Report and I feel that I must make a quick statement. In the near future we are going to have a full-blown debate on the introduction of wolves into the State of Maine. I believe with this bill we are just making a statement that we want to be part of that discussion. Wolf introduction into the state, a pack of wolves, introduced to a portion of this state will have a huge impact. It may bring jobs into our communities to a small degree, but it is going to have a magnificent affect on the other industries within the communities where they are introduced. I believe that this bill is making a statement from the Maine Legislature that we want to be part of that debate, an active role in that debate. I support the pending motion and the gentleman from Old Town. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Members of the House. I am on the Minority Report on this. I think it has been stated by at least two of the proponents that it is kind of redundant and the statement if we send proclamations to Washington as statements and requests. We don't pass things into statute. The last speaker just said that this is a message. I don't think putting a new law on the books is necessary and a good way to send a message if you don't need to. Thank you.

The SPEAKER PRO TEM: 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. 130

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Brooks, Bruno, Bryant, Bumps, Bunker, Carr, Chase, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Davis, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kasprzak, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Baker, Bull, Canavan, Chick, Cummings, Desmond, Dorr, Hawes, Hutton, Koffman, Marley, McKee, McLaughlin, McNeil, Michael, Perkins, Quint, Simpson, Tracy, Twomey, Volenik, Watson.

ABSENT - Bagley, Berry RL, Bliss, Brannigan, Buck, Colwell, Cowger, Daigle, Etnier, Jones, Labrecque, Mailhot, Muse K, Peavey, Stedman, Mr. Speaker.

Yes, 113; No, 22; Absent, 16; Excused, 0.

113 having voted in the affirmative and 22 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. Committee Amendment "A" (H-348) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-348)** and sent for concurrence.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Provide Fishing Access Signs"

(H.P. 587) (L.D. 742)

Signed:

Senators:

- CARPENTER of York
- KILKELLY of Lincoln
- WOODCOCK of Franklin

Representatives:

- CHICK of Lebanon
- CLARK of Millinocket
- DUNLAP of Old Town
- USHER of Westbrook
- PERKINS of Penobscot
- BRYANT of Dixfield
- TRAHAN of Waldoboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)** on same Bill.

Signed:

Representatives:

- HONEY of Boothbay
- TRACY of Rome
- McGLOCKLIN of Embden

**READ.**

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Require Free Access to Waters Stocked by the State"

(H.P. 625) (L.D. 825)

Signed:

Senators:

- CARPENTER of York
- KILKELLY of Lincoln
- WOODCOCK of Franklin

Representatives:

- DUNLAP of Old Town
- TRAHAN of Waldoboro
- HONEY of Boothbay
- USHER of Westbrook
- PERKINS of Penobscot
- BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)** on same Bill.

Signed:

Representatives:

- CHICK of Lebanon
- CLARK of Millinocket
- TRACY of Rome
- McGLOCKLIN of Embden

**READ.**

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you this afternoon in opposition to the pending motion that we have on the floor. A lot of people are becoming aware of what is going on with our stocking of ponds behind paid gates. A lot of my constituents have brought to me over the years, actually this bill has been before the Legislature for the last 20 years. We are trying to do something to make those people not have the recreational place or a recreational fishing pond or special fishing place behind the gate. This bill provides that the fish and fish spawn raised by the state may not be introduced in any inland waters unless free access to the public is available whenever these waters are open to fishing, pursuant to law. There has been an amendment added saying that a reasonable fee be accessed.

Just say for example, in my area when you go up the Golden Road, you have to go through a checkpoint. Say that you are going fishing and it is \$4 per person. If you bring a family of four, it is \$16 to go fishing. These fish are being stocked behind these paid gates. You are going to hear a lot of arguments saying that maybe these people will not have their lakes stocked anymore by the state and the people will not go up there. We have to make sure what is fair. Everybody contributes to stocking fish behind any lake or pond. Those people that do pay to go up through a paid gate, should not have to pay twice. All I am asking is for you to turn over the pending motion. When the vote is taken, Mr. Speaker, I request the yeas and nays.

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

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

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would admit, quite frankly, that the Minority Report and the amendment look very attractive. It is talking about a reasonable fee. However, I would defy anyone in this chamber to define for me what reasonable means. It is different from one person to the next, from one area to the next. If you have access to an area that has five-pound brook trout, is a \$40 access fee reasonable. Is it reasonable to charge a \$1 fee? Some people would say that no fee is reasonable. The issue of reasonableness, I think, is one that the majority of the committee got hung up on this particular issue. Also, it is important to remember that while the people of the State of Maine hold ownership over the submerged lands of the state, in the great ponds where the stocking is taking place. The State of Maine does not own many of these gated roads. Those are under private ownership. That is another debate that has nothing to do with whether or not fisheries are stocked in waters or not. I don't know if anybody recalls the issue, but it was on the front page of the *Bangor Daily News* just a few weeks ago about a situation in Ellsworth where one of the largest lakes in Hancock County cannot be stocked under a current law, that this seeks to amend, because there is absolutely no access to that lake, not free access, not fees access, no access. If this type of issue makes

the front page of the paper because there is no access to the lake and the state cannot stock that water, imagine what it will look like if you can't stock half the waters in the state because they have gate fees involved. How will the fishermen in your districts react to that? Their favorite waters can no longer be stocked because there is a fee to get to that water. It used to be that the law did read this way. It was repealed because many of these landings and roads were owned by the state and they were turned over to private interests who charged a small fee in order to maintain those launch sites. That is why that was changed 28 years ago or so. I know that there are people that have been upset about that ever since, but the issue of paying twice or stocking or not stocking is a really explosive one. Personally, looking at the amendment, the amendment also says that the Department must make an assessment of these fees and come back to the joint standing committee each year before they can stock the waters. For my own part, I know that we spend an awful lot of money on fisheries biologists and I can think of a lot better things for them to be doing out in the field than collecting data on gate fees to report back to the committee. They should be working on the fisheries, not the fee structures. I would urge you to support the pending motion. Thank you.

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

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

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

Representative LESSARD: Mr. Speaker, Men and Women of the House. It is my understanding that Fish and Game will not stock a body of water unless it is public access. Is that still in affect?

The SPEAKER PRO TEM: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. The answer to your question is yes. The state currently cannot stock waters where there is no access.

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

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. Although my district of Wells is a far distance away from Millinocket, we have a similar problem. We have a body of water going through my district, the Maryland River, a portion of it is regulated by US Fish and Wildlife. They attempted to prohibit open water fishing there up until we got together as a citizens group and persuaded them to give us a limited season. The upper portions of this river, the Maryland River in Wells, are stocked by the State of Maine.

I have a real problem with Maine tax dollars being spent to raise these fish, personnel stocking the body of water, the Maryland River, and then a portion of it, the citizens of my district, the citizens of Maine are prohibited from using it for fishing and sporting privileges. I like this bill. I think it is high time that we took an action to ensure Maine taxpayers can use a body of water that is stocked by fish raised in our hatcheries. I urge you to vote against the pending motion. Thank you.

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

**ROLL CALL NO. 131**

YEA - Andrews, Ash, Berry DP, Blanchette, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Carr, Chick, Chizmar, Cote,

Crabtree, Cressey, Cummings, Davis, Desmond, Dudley, Dunlap, Duprey, Estes, Fisher, Foster, Fuller, Gerzofsky, Glynn, Gooley, Green, Hatch, Honey, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeon, MacDougall, Madore, Marley, Matthews, Mayo, McDonough, McKee, McLaughlin, Michaud, Mitchell, Muse C, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Richard, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Snowe-Mello, Thomas, Trahan, Treadwell, Usher, Waterhouse, Weston, Winsor, Mr. Speaker.

NAY - Annis, Belanger, Bunker, Canavan, Chase, Clark, Clough, Collins, Dorr, Dugay, Duncan, Duplessie, Gagne, Goodwin, Hall, Haskell, Hawes, Heidrich, Hutton, Laverriere-Boucher, Lovett, Marrache, McGlocklin, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, O'Brien JA, O'Brien LL, Pinkham, Povich, Quint, Richardson, Sherman, Smith, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Tuttle, Twomey, Volenik, Watson, Wheeler EM, Wheeler GJ, Young.

ABSENT - Bagley, Baker, Berry RL, Bliss, Brannigan, Buck, Colwell, Cowger, Daigle, Etnier, Jones, Labrecque, Mailhot, McGowan, Murphy E, Muse K, Peavey, Stedman, Tessier.

Yes, 82; No, 50; Absent, 19; Excused, 0.

82 having voted in the affirmative and 50 voted in the negative, with 19 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)** on Bill "An Act to Change the Snowmobile Registration Rates"

(H.P. 970) (L.D. 1294)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro  
CHICK of Lebanon  
CLARK of Millinocket  
DUNLAP of Old Town  
USHER of Westbrook  
TRACY of Rome  
McGLOCKLIN of Embden  
BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-347)** on same Bill.

Signed:

Representatives:

HONEY of Boothbay  
PERKINS of Penobscot

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-346)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-346)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass pursuant to Joint Order (H.P. 612)** on Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds"

(H.P. 1328) (L.D. 1787)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
HONEY of Boothbay  
USHER of Westbrook  
PERKINS of Penobscot  
TRACY of Rome  
McGLOCKLIN of Embden  
BRYANT of Dixfield  
TRAHAN of Waldoboro

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order (H.P. 612)** on same Bill.

Signed:

Representatives:

CLARK of Millinocket  
CHICK of Lebanon

**READ.**

On motion of Representative DUNLAP of Old Town, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Require That Certain Employees Be Paid on a Weekly Basis"

(H.P. 48) (L.D. 57)

Signed:

Senators:

TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)** on same Bill.

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

HUTTON of Bowdoinham  
NORTON of Bangor  
SMITH of Van Buren

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. This is my bill and I brought it back because as a freshman this was a bone of contention for me. A lot of people that I represent in Biddeford need their weekly pay. I had e-mails. I had phone calls and I remember the e-mails that I received from a young college student who was working and his wife was working for a beautician. He asked me what in the world the politicians in Augusta were doing by doing this, implementing bi-weekly pay? He didn't want me to feel sorry for him, but they would not be able to buy a turkey for Thanksgiving because his wife would now be getting paid every two weeks and he was going to college and she was putting him through school. I e-mailed him back and said that I had fought valiantly on the floor, but this was an issue that was lost. I vowed that each time that I would be reelected I would bring this issue back in the name of working people.

This statute was on the books from 1917 where people would be paid weekly. A day's pay for a day's work. What happened was it changed because companies felt it was cheaper for their payroll to pay every two weeks. The state pays every two weeks. That doesn't make it right. Someone challenged it in court because they were not paid weekly and thus, we got the law to change it to bi-weekly. Sometimes actually they can go three weeks if they want. They can go bi-monthly if they want. I feel that this strikes at the very heart of the people I represent. It strikes at the heart of my family who worked very hard in textiles and manufacturing and my grandmother who helped to bring the unions to the mill. I vowed to bring this back. I am not a poor loser. I just think it is the principle of people working everyday should have their paycheck at the end of the week. The testimony that I received were that women, especially women, with children, were not making enough pay to make it to their second week. I thought that if we have an increase in minimum wage, this would solve the problem. However, we have now just passed the minimum wage, but it is not a living wage and even though people try to budget, they are just not making enough money to make ends meet. This has been something that I have vowed to bring back as long as I am here. It is not being a sore loser. It is not that I didn't hear the majority. It is something that I believe in in principle. I urge you to follow my light. Thank you

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. I think my good friend from Biddeford is very well intentioned and her heart is in the right place. There probably are families that have a very hard time making it every week, but we also have a thing called small business in Maine, about 80 percent of our businesses are small, and during the testimonies from the Labor Committee, I thought this particular testimony was very telling. I won't read the name, but this was the testimony in part. "We are a Maine family owned business that is based in Brunswick. We employ approximately 575 employees in the State of Maine. The cost for us to go to a weekly payroll would be about \$20,000 to the outside vender who processes our payroll for us. In addition, we can certainly calculate it would be \$10,000 or \$15,000 additional labor costs to process twice as often. This is \$30,000 or \$35,000 of additional expenses with no extra benefits. I know in my own district, District 40, especially in West Cumberland and West Falmouth, there are many, many businesses, with two, three, four or five people. I did an unscientific survey two years ago when this bill



first came to us. They were all against it. It would be hard. They cannot pay weekly payroll. It would cost them a lot of money and it just wouldn't be practical for them. I do sympathize with the Representative from Biddeford that there are families that do have a lot of trouble week by week by week. That is another story. I would urge you to go by the recommendations of the committee. Thank you.

On motion of Representative NORBERT of Portland, **TABLED** pending the motion of Representative BUNKER of Kossuth Township to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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**UNFINISHED BUSINESS**

The following matter, 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 Clarify and Update the Security Requirements for Employers Self-insured for Workers' Compensation Liabilities

(H.P. 1045) (L.D. 1402)  
(C. "A" H-246)

**TABLED** – May 7, 2001 (Till Later Today) by Representative WATERHOUSE of Bridgton.

**PENDING – PASSAGE TO BE ENACTED.**

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

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

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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On motion of Representative CANAVAN of Waterville, the House adjourned at 4:31 p.m., until 9:00 a.m., Wednesday, May 9, 2001 in honor and lasting tribute to W. Malcolm Wilson, of Waterville.