

# 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  
46th Legislative Day  
Wednesday, May 9, 2001

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

Prayer by Reverend Charles R. Swart, Jr., American Baptist Churches of Maine, Chaplain Program at Eastern Maine Medical Center.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 614)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT NATIONAL ELECTION REFORM**

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

WHEREAS, many Maine citizens believe that the presidential election of November 7, 2000 was finalized through a flawed and imprecise process; and

WHEREAS, immediately following the election of November 7, 2000, widespread and numerous problems concerning the election process in the nation as a whole, and in the State of Florida in particular, were brought to the awareness of the American voters; and

WHEREAS, voting irregularities publicized during the election of November 7, 2000 are illustrative of the inadequacies of voting procedures that exist nationwide; and

WHEREAS, we wish to acknowledge the citizens' desire to channel that concern into action that results in substantial election reform that ensures nondiscriminatory equal access to the election system for all voters, including seniors and disabled, minority, military and overseas citizens, and that ensures the complete and accurate counting of all votes cast; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Congress to support significant reforms to our nation's voting system; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Congress in support of major electoral reform in order to ensure that the true intent of the country's voters shall determine the outcome of all future elections.

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

**READ.**

Representative DUPREY of Hampden moved that the Joint Resolution and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Resolution and all accompanying papers.

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 Indefinite Postponement of the Joint Resolution and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 132**

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

NAY - Ash, Bagley, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

ABSENT - Baker, Bliss, Buck, Cowger, Daigle, Dorr, Dudley, Gagne, Gooley, Hawes, Marrache, Matthews, Mayo, Mendros, Michael, Muse C, Perry, Quint, Stedman, Watson.

Yes, 53; No, 78; Absent, 20; Excused, 0.

53 having voted in the affirmative and 78 voted in the negative, with 20 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Joint Resolution and all accompanying papers **FAILED**.

Subsequently, the Joint Resolution was **ADOPTED**.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Joint Resolution was **ADOPTED**.

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. Was this resolution referred for recommendation to the Joint Committee on Legal and Veterans or any other committee for recommendation?

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 South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I have proposed two Joint Resolutions concerning different topics and I was informed by both the Speaker and by my committee lead that in order to submit a Joint Resolution to this body, prior to it being an order for being voted on, it needed to be referred to the committee of jurisdiction for them to make a recommendation. This issue was not referred, evidentially, to any committee of jurisdiction for recommendation to this body. Likewise, there are things in this resolution that I agree with and there are things are in this resolution that I cannot agree with. For those reasons, I would make a motion that this item be referred to the committee of jurisdiction on election matters, the Committee on Legal and Veterans Affairs.

First of all, I would like to make a statement retracting the statement I previously had said regarding this issue that when my two Joint Resolutions to Congress were before this body, I had stated incorrectly that Speaker Saxl said it would be out of order for them to be considered to be adopted had they not been

referred to the committee of jurisdiction first. That was incorrect. That was not our conversation. The conversation that we did have is that as a matter of public policy, the public policy issues, should be referred to the committee of jurisdiction and in the case of my bills, he would vote against them and they would die if they did not go to the committee or jurisdiction.

With regard to this public policy debate that we are having on this Joint Resolution, a lot is to be gained by making a strong statement to Congress that it receives bipartisan and, if possible, unanimous support of these chambers. If it is the will of this body to make a strong statement for reform to our nation's Capitol and because election laws are essentially written here in the State of Maine, it makes sense to this one legislator that in the case with my ideas or notions regarding memorialization to Congress this, too, should be referred to the committee of jurisdiction. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **ADOPTION**.

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This topic that we are looking at in this Resolution is an area of responsibility that belongs to the states. This last election showed that there were problems throughout the country and in my states, including the State of Maine. In Florida this past week, without a negative vote, there was a bipartisan coalition that made a commitment to spend \$28 million to bring the balloting procedures up to where they should be. I am still waiting to hear about Illinois and Cook County and the more than 100,000 votes that were thrown out in Cook County. I don't see that included in this resolution and I don't hear anything yet about a commitment in Illinois to resolve that.

Closer to home, in Portland, Maine, we had Maine registered voters unregistered, disenfranchised and barriers put between them and the ballot box. Throughout this state we had citizens given the wrong ballots, the wrong district ballots. Florida has made a commitment of \$28 million. My question is, how many millions of dollars and changes in our Maine state laws have we made to correct our problems closer to home? I had the feeling that the state commitment is probably zero. Maybe we need to as we get into this closing month, month and a half, maybe think about how we are going to function as a body.

We are into the second week of May. May deadlines connected with the budget are already beginning to appear. We do not have a budget. We have serious problems that our citizens face in this state. I will draft you a resolution if you want to have a resolution. I will have one per day and we can take the first half hour or hour of every day and waste our time and do nothing addressing resolutions, which will do nothing.

This is an issue that has to be addressed in the individual states. We have problems in this state dealing with election that need to be reformed. I would urge this House to its energy to address the problems we face here at home in the area of elections and making sure that every Maine citizen can vote and to get onto the work that we really should be doing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I don't disagree with anything the good Representative from Kennebunk has said. In answer to the question, what has Maine done? I know of perhaps a dozen bills that have been put before the Legal and Veterans Affairs Committee to do exactly what this resolution is asking Congress

to do to make sure that beyond any shadow of a doubt that when a citizen of the State of Maine, of the United States of America, goes into that booth that they have every certainty that their vote is going to count. That is all this is about. I have a bill in to address the issues in the State of Maine. Representative Tessier has a bill in to address election issues in the State of Maine. Representative Tuttle has a bill in to address election issues in the State of Maine. That is what we are doing. Yes, it is a state issue. You know what? It is also a federal issue because the federal government can help the states. They can do it by providing block grants so that these small communities in our state and throughout the country, Florida, Ohio and the rest of this great nation, maybe they can get a little helping hand in a financial way from the federal government to ensure that when every voter goes into the voting booth that they know and they have confidence in that most basic building block of what democracy is about, that their vote is going to count. That is all this is about, urging Congress to work with their partners in the states to be able to address the concerns, the legitimate concerns, that came out of this last election so that Americans, Floridians and Mainers know that their vote is going to count. Let's pass this resolution and get on with the business at hand. I thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I disagree, somewhat, with the last speaker about this being an issue for Congress. I don't think Congress has anything to do with this. We are a federalist system and election laws are state issues. Like the good Representative from South Portland said, there are some things in this resolution that everybody can agree with. Who would disagree with a system for all voters, including seniors, disabled, minorities, military and oversea citizens that ensure complete and accurate accounting of all votes cast? Nobody would be against that. Certainly I am not. As far as all votes counted, we found out that across the country, in just about every state where you have an election count that is not even close, absentee ballots are not even opened. Unless you reform all the states in the country saying that you have to open absentee ballots and count them regardless of whether the count affects the outcome. That is a state issue also.

As far as Congress being a partner with block grants, that, again, is a state issue. If Maine needs money to help them reform their election laws to correct past mistakes, then they ought to put in a block grant. If Florida is having a problem with their bipartisan effort to change their election laws, they need money, then they can apply for a block grant to Congress. I don't think we have any impact on memorializing Congress to allocate money to the various states. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I am somewhat concerned about the comments I have heard thus far this morning. I happen to be a member of the Legal and Veterans Affairs Committee and over half of the bills that we have dealt with have had something to do with elections. Do we have a problem here in the State of Maine? I don't think our problem is all that great. Are we governed by federal laws when it comes to elections? Yes, we are, like it or not. I believe the US Constitution states that every person 18 years old or older may vote. They don't tell each state how you will go about determining that. Each state has made their own determination and embellished upon the federal election laws. That is how it works. Do we have some problems

here in Maine? Yes, we do. I will also caution all of you, you cannot legislate human error. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to address you with my concerns with this Joint Resolution. As you know, many of us on both sides of the aisle endured a very trying time in our history in the last election. Had this resolution been more general in this statement in picking out one candidate or one race, I could have supported it. The way this is written, ladies and gentlemen of the House, it appears to take a pointed stick and jab someone in the eye. That is why, even though it may not have been intended that way, appearance often times can get people excited into a position as we are now. I believe this Joint Resolution should be reworded. I will tell you why. If there are problems across this nation in our election laws and in our individual states, it includes all candidates running in every office, ladies and gentlemen of the House. We need to reword this so that everyone in this House can support this resolution. If we need changes in our laws, we need them at every level, not just the presidential. I ask you to rethink this piece of legislation and continue in the err that we have in this body this year and that is through bipartisan support on many pieces of legislation. I believe something like this, when it is worded in a particular way, can only divide. I ask you that maybe it is time to step back, take a breath and reword this. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. As a point of process, I do apologize to the body for having to leave and then coming back. I think the initial argument was as to process, whether this issue could go to the Committee on Legal and Veterans Affairs. I think that usually we don't do that here. We have already voted on this issue. We have now moved to reconsider. I would suggest that all of us know how we are going to vote on this and I would ask that we would finally vote on this issue, Mr. Speaker.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. This is very troubling for me. Like the rest of you, I come into this House every morning filled with hope, the hope that we can do the right thing for the people of Maine, the hope that we can work together united and make progress toward substantive issues that affect the daily lives of our constituents, our families and us as individuals. To start off a morning addressing an issue that I can't characterize in any other way than as blatantly partisan is troubling and sad and unfortunate. I have to tell you that I think it sets a tone that is not constructive. It is not helpful. It does nothing to bring us together as a legislative body to work towards solving problems. I think it is sad and unfortunate.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I am the House lead on this resolution. This proposal came to me from a group of constituents of mine on Peaks Island who were very concerned about the process of the elections. The issue for them wasn't the outcome, it was the fact that rather than a group of voters deciding the outcome, it was so confused that it actually ended up in the courts. That was upsetting to them, as it should be upsetting to all of us, when there is a system of voting that just broke down for whatever reason. This is a bipartisan group. They circulated a petition among their neighbors, Republicans and Democrats alike. This

was never, not at any point, not at a single point ever, intended to be partisan. I can say that. I have been involved from the very first. It was never intended to be partisan. The language was looked at and looked at and looked at and this is the best way we thought to go forward trying to remove any partisan implication from this language. It is talking about an imprecise process, not an imprecise outcome, not a wrong outcome. It was just a messy process that was damaging to all of us. This is, I think a resolution that we can all get behind without fear of partisanship. It is just asking the one group of people in the country who have authority over the whole country, Congress, to address this issue, to give it some importance, to recognize that it was damaging to all of us and to make some effort to try and correct the problem insofar as it is within their power. Thank you.

Representative **GLYNN** of South Portland moved that the Joint Resolution be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

The same Representative **REQUESTED** a roll call on his motion to **REFER** this Joint Resolution to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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 Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. This is an issue of importance. I certainly don't want to minimize it, but we do have a lot on our plate to deal with today. Both parties need to engage in a calendar caucus in order for us to do that. I think this is an important issue. I understand that there are strong emotions on both sides. I just want to get that off my chest, Mr. Speaker.

On motion of Representative **NORBERT** of Portland, **TABLED** pending the motion of Representative **GLYNN** of South Portland to **REFER** this Joint Resolution to the Committee on **LEGAL AND VETERANS AFFAIRS** and later today assigned. (Roll Call Ordered)

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**Non-Concurrent Matter**

Bill "An Act to Promote Healthy Workplaces"

(H.P. 496) (L.D. 636)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)** in the House on May 7, 2001.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative **McDONOUGH** of Portland moved that the House **ADHERE**.

Representative **KASPRZAK** of Newport moved that the House **RECEDE AND CONCUR**.

On motion of Representative **COLWELL** of Gardiner, **TABLED** pending the motion of Representative **KASPRZAK** of Newport to **RECEDE AND CONCUR** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)** in the House on May 7, 2001.

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

Representative TREADWELL of Carmel 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.

On motion of the same Representative, **TABLED** pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

**COMMUNICATIONS**

The Following Communication: (S.C. 266)

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

May 8, 2001

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

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not To Pass Report from the Committee on Criminal Justice on bill, "An Act to Require a Life Sentence for Murder Unless There are Mitigating Circumstances. (S.P. 203) (L.D. 768)

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)**

(H.P. 166) (L.D. 177) Bill "An Act Regarding Child Abuse and Neglect Investigation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-380)**

(H.P. 351) (L.D. 441) Resolve, to Expand Access to Certified Nursing Assistant Training Programs Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)**

(H.P. 501) (L.D. 641) Bill "An Act to Implement Recommendations of the Joint Advisory Committee on Select Services for Older Persons" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

(H.P. 550) (L.D. 705) Bill "An Act to Increase the State's Share of Retired Teacher Health Insurance" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)**

(H.P. 609) (L.D. 764) Bill "An Act to Establish an Ombudsman for the Department of Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 681) (L.D. 881) Resolve, Establishing the Blue Ribbon Commission on the East-West Rail Corridor (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)**

(H.P. 717) (L.D. 932) Bill "An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)**

(H.P. 745) (L.D. 964) Bill "An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

(H.P. 919) (L.D. 1233) Bill "An Act to Make Improvements in the Budget Process" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 988) (L.D. 1325) Bill "An Act to Establish the Maine Research and Development Evaluation Fund" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

(H.P. 998) (L.D. 1335) Bill "An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)**

(H.P. 1184) (L.D. 1607) Bill "An Act to Further Protect the Rights of Persons with Mental Retardation or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)**

(H.P. 1187) (L.D. 1610) Bill "An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-364)**

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.

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. 33) (L.D. 42) Bill "An Act to Fully Fund the Endowment Incentive Fund" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)**

(H.P. 64) (L.D. 73) Bill "An Act to Exempt Merchandise That is Donated to a Nonprofit Organization from Use Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-360)**

(H.P. 157) (L.D. 168) Bill "An Act Concerning Standardized Contracts for Long-term Care Services" Committee on **HEALTH**

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

**ENACTORS**  
**Emergency Measure**

An Act to Allow Unexpended Balances in Funds Appropriated for a School Breakfast Incentive Grants Program to Carry Forward into Subsequent Years to be Used for School Breakfast Grants to Schools

(H.P. 788) (L.D. 1032)  
(C. "A" H-293)

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. 124 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Change the Snowmobile Registration Laws  
(S.P. 109) (L.D. 335)  
(C. "A" S-133)

An Act to Address Violence in Schools  
(S.P. 113) (L.D. 339)

An Act to Allow Vehicles to Travel for Inspection and Repair  
(H.P. 445) (L.D. 566)  
(C. "A" H-291)

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

An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals

(H.P. 901) (L.D. 1193)  
(C. "A" H-292)

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

On motion of Representative DUNLAP of Old Town, was **SET ASIDE**.

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

An Act to Raise the Minimum Wage  
(S.P. 504) (L.D. 1591)  
(C. "A" S-63)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)** on Bill "An Act to Improve Limits on Mandatory Overtime" (S.P. 318) (L.D. 1086)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

MATTHEWS of Winslow

BUNKER of Kossuth Township

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

CRESSEY of Baldwin

DAVIS of Falmouth

MacDOUGALL of North Berwick

TREADWELL of Carmel

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

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill revisits an issue that we just acted on in the Second Session of the 119<sup>th</sup> Legislature. We passed a bill that would limit mandatory overtime to 80 hours in any consecutive two-week period. This bill is to lower that to 60 hours in any two-week period. There was some sentiment on the committee; it was also echoed by a member of organized labor, that it may be a good idea to carry this bill over. That didn't happen, obviously, but I think that it is premature now. We don't even have the data collected to determine whether this is a necessary change to that law that we just enacted. I would urge that you would vote against the motion and if necessary, we can revisit this next year in the 121<sup>st</sup> Legislature.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. The good Representative did give you a little bit of history that this was visited not too long ago. The change that was made before was to remove it back to 80 hours in a two-week period. Quite frankly, there are many exceptions carved out in the language to cover mill workers and shut downs and the specific conditions where something breaks in an emergency or a serious incident that you need to keep folks on board. Those things are all carved out. This basically is a decent, right thing to do. It basically says that after working 40 hours a week and your employer deems it necessary to keep you over during that week,

that he can discipline you or fire you for not working an additional 60 or 80 hours in a two-week period. These are additional hours. This isn't 80 work hours. This is 40 hours a week over the 40 you worked. In some cases, they can actually force 120 hours worth of work in one week and have zero hours of overtime in the next week. Can you imagine up our way and in many of your backyards you have a mill and many of these people are working 12-hour shifts? You work four 12-hour shifts one week and then maybe the next week you work three 12-hour shifts. This basically just says that once you have your 60 or 80 hours of work that week, that you can just say that I am just too tired. I just wouldn't do well at my job. Please let me go home. This is permissive folks. It allows a competent decision to be made by that employee and he or she cannot be disciplined for getting tired and have to go home or having to go take care of the children, daycare or running to the doctor's office. This is if you want to work 120 hours a week, you are allowed to under law. This does not change the maximum amount of time you can work. This just basically allows you to say no without being disciplined. I ask for the support of the whole body here. It is only the right thing to do. The change that the Representative alluded to worked well. There have been no ramifications to that. This is just the next incremental change to bring it down into at least a rational level of hours. Thank you.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. A lot of you in this chamber are managers, owners of businesses or work for businesses in the State of Maine. I would venture a guess that there are not very many of you that are required to work mandatory overtime anywhere near the number of hours we are talking about. This bill will put a restriction on companies that have an emergency, things that break down, that they have to fix to get running. It actually could end up being a loss of jobs in the State of Maine. I am not saying that that is likely to occur anymore than we can say that it is likely that the employers in the State of Maine are going to be requiring their people to be working 30, 40 or 50 hours of overtime in a week. I don't think the law is necessary at this time. I think a vote against the motion would be appropriate.

Representative TRACY of Rome 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 Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to tell you that my personal knowledge by family members that are involved in the work described in this legislation. To make it short, the different conditions expressed here this morning are something that each one of my relatives have experienced. I certainly recommend that people be allowed to determine, most especially in this thing of medical care, that they have the opportunity to decide how many hours of overtime they wish to work. I would suggest that we support the nurses in this endeavor. 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. 133**

YEA - Annis, Ash, Bagley, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier,

Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, 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, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bliss, Buck, Cowger, Daigle, Dugay, Goodwin, Mayo, Michael, Stedman.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 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" (S-112) 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" (S-112) in NON-CONCURRENCE and sent for concurrence.

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

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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 LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (S-114) on Bill "An Act to Amend the State's Overtime Law"

(S.P. 314) (L.D. 1082)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

MATTHEWS of Winslow

DAVIS of Falmouth

BUNKER of Kossuth Township

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:



CRESSEY of Baldwin  
 MacDOUGALL of North Berwick  
 TREADWELL of Carmel

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114) AS AMENDED BY SENATE AMENDMENT "A" (S-137)** thereto.

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion. Current law acknowledges and highlights patient safety as imperative. Health care organizations must have the ability to use mandatory overtime in emergency situations, such as disaster conditions or when there is a risk to a patient's safety if needs are unmet. By eliminating the ability to discipline a health care professional for refusing to stay in these circumstances, you essentially eliminate the mandatory overtime and their health care providers ability to provide safe and quality patient care. Staffing patterns are based on both historical and patient volume and as a result a situation arises in which an organization must resort to overtime and to ensure the patients of their care and their safety. In the vast majority of cases, this is done on a voluntary manner because there is good pay involved. Situations leading to the use of overtime may occur without much notice, however, and when a nurse is unable to work because of an illness or other issues, unscheduled absences and patient volume demand that those openings still be filled. Regardless of whether that overtime opportunity is voluntary or mandatory, it is still the responsibility of the manager to assure that the nurse is capable of working safely. It isn't just a matter of putting a body in it to cover a situation. The manager is responsible that that nurse, he or she, is able to complete their duties. If you are requiring overtime for a patient for safety reasons, why in the world would you call in a nurse to fulfill that function if he or she weren't capable of doing it.

What we learned during our public hearing and work sessions is that only 50 percent of nurses employed by Maine hospitals work full time at those facilities and very few of them work as much as 40 hours. This is driven by a strong employee preference for a two or three day workweek based on 12-hour shifts. That is something nurses desire, is that flexibility of workweeks. The remaining hospital-based registered nurses' work on a part-time or per diem basis. Hospitals are reluctant to use mandatory overtime and few do so only after seeking many, many different alternatives.

There is an organization called OMNI, Nursing Leaders of Maine. They have developed a position statement relative to overtime. They did this in December in the year 2000. It reads as follows, "OMNI, Nursing Leaders of Maine believes that it is in the best interest of both nurses and patients to minimize the use of overtime to accomplish staffing needs. We believe that every effort should be made on the part of the organization to develop staffing plans based on predictions of both volume and patient need. Overtime should be used only as a last resort after all alternatives have been exhausted. Alternatives may include use of per diem or agency personnel, float pools and flex schedules. Consideration should also be given to limiting capacity if needs cannot be met. Whenever possible, overtime should be of a

voluntary nature. Mandatory overtime is not encouraged and should be used only in situations of extreme emergency, disaster or when there is a significant risk to patient safety if needs go unmet."

Their position statement was presented to and accepted by the Maine Hospital Association. Several hospitals and health care organizations have already adopted this position statement as an operational policy. The American Organization of Nurse Executives, which is a national organization and they represent over 4,000 nursing leaders across the country is modeling their position statement after OMNI's.

A large predominance of public testimony dealt around Eastern Maine Medical Center. At work sessions we were given some information that there had only been one mandated stay since December 5. This occurred only after an RN called in ill and 27 staff members were called to determine if they would be able to fill the shift. No other staff member was willing to volunteer to fill the shift. Therefore, the RN was mandated to stay. It is a rare occurrence. There has never been an occurrence of a registered nurse being disciplined for refusing overtime. There was a registered nurse who once received a verbal warning due to unprofessional behavior, but it had nothing to do with overtime.

I believe the underlying problem that may be has caused this to surface is there is a shortage of nurses in the State of Maine and nationally. From a public policy posture we should address that area to the fullest of our capabilities and there are some bills in trying to deal with that we may debate later. I don't believe now is the time to make a major change in the law when there is a shortage of nursing staff so long and the management has a prudent responsible approach as to how they are going to handle overtime. During the deliberations on committee, I had shared the thought that perhaps with the implementation of this bill being put into the Legislature that if we held it over for a year that better communication could take place between management and the nursing and medical staff. I feel that at the core here is a lack of communication of people, perhaps, thinking that the motives of each side are perhaps a little more on the negative side than they really are. If people were to talk this through, the need of this law would go away and that some good will could be fostered moving on to the future so that the focus would be on health care for the people of Maine. I urge you to not vote for this pending motion. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from North Berwick summed it up quite eloquently when he said there is a nursing shortage. I wonder why there is a nursing shortage? It is because when you put more pressure onto the nurses, they are going to exit because excess of overtime is not good for anybody. In my former life as a millwright, I spent upwards of 32 and a half hours straight on the time clock working in floods and breakdowns. If you think you are coherent and you think you can work safely with that amount of hours on the clock, try being a nurse or somebody that deals with health issues and want them to work on you after they have all those hours with no sleep. I would suggest that we accept the Majority Ought to Pass as Amended Report. I will do my usual. I will request the yeas and nays.

Representative TRACY of Rome **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 Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. As one of the two nurses in this House Chamber, I had to get up and speak in support of this bill. You have information in front of you that was distributed under my name about the hazards of working a lot of overtime. I totally agree with the previous speaker that hospitals are doing their best to eliminate overtime. They don't like to have nurses being mandated to work overtime any more than the nurses like it. However, I am also aware that there are some situations in our state, particularly in some of our psychiatric caring institutions when mandatory overtime has become almost a way of life. The nurses are expected to work, are mandated to work overtime, whether they feel they are in a position to do that or not. I would submit, having worked on psychiatric units that a nurse who is dealing with psychiatric patients who are in crisis, is even more at risk for what they do to the patient and to themselves when they are working 16-hour shifts. You cannot do it and provide safe care. Unfortunately, I think this bill is necessary and I urge your support of the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative LEDWIN: Mr. Speaker, Ladies and Gentlemen of the House. As I stand today, the first thing I need to tell you is that my husband is President and CEO of Eastern Maine Medical Center. The issue is a nursing shortage. I feel this bill will put Maine hospitals in the same situation Boston hospitals are presently finding themselves in. If someone you know, or even yourself, is taken to a hospital because of an accident or a heart attack, wouldn't it be a tragedy that you may be turned away because of understaffing. Presently, Boston ambulances are going from hospital to hospital looking for a place for patients. Maine could not handle this. This bill will especially harm our small struggling rural hospitals. I attended a nurse's union meeting in Bangor and asked how often this overtime issues comes up? They couldn't give me an answer because there is always a nurse standing by who would like to get overtime and then the next day off with pay. I later was told this happens maybe once every two months. Yes, there is a nursing shortage in Maine and in the nation. There are several health care worker shortages. No one will argue that. Presently there are 271 nurses needed in Maine hospitals. However, this is not the way to help our health care problems. These problems need to be addressed by our fine health care providers throughout our state, not through legislation. This legislation does not address the shortage of nurses. Hospitals and other health care providers will be forced to pay competing bonuses and increasing competitive wages that will escalate and be shifted over into increased health care premiums. Please, permit the health care providers to address this problem and defeat LD 1082. Thank you.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. This bill will not address nursing shortages. That is for management. What this bill will do is not allow a nurse to be disciplined if that person, due to fatigue or other factors, is not able, in their own judgment, to provide quality care for that person's patients during those overtime hours. That is what is at stake here. The right of a person who has worked to the point where they are too fatigued to do the job, to say they don't want to work anymore, I can't do it and to protect that person from being disciplined. One of the striking things about the testimony before the Banking and Insurance Committee is that all the

hospitals, their representatives and lobbyists came in saying they would never discipline them. We would never do it. Well, the fact of the matter is, it does happen and we need this protection so that people can use their professional judgment and say that they have worked too long and too hard to render quality care. We ask you to pass this bill. 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. 134**

YEA - Andrews, Annis, Ash, Bagley, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, 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, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Dugay, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Mendros, Morrison, Murphy T, Muse K, Nass, Nutting, Peavey, Pinkham, Rosen, Schneider, Shields, Tobin D, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bliss, Buck, Cowger, Daigle, Goodwin, Mayo, Michael, Stedman, Wheeler EM.

Yes, 99; No, 43; Absent, 9; Excused, 0.

99 having voted in the affirmative and 43 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" (S-114) was **READ** by the Clerk.

Senate Amendment "A" (S-137) to Committee Amendment "A" (S-114) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-114) as Amended by Senate Amendment "A" (S-137) thereto was **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" (S-114) as Amended by Senate Amendment "A" (S-137) thereto in 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 **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Promote Driver Responsibility"

(H.P. 1111) (L.D. 1480)

Signed:  
Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

McNEIL of Rockland  
COLLINS of Wells  
WHEELER of Eliot  
WHEELER of Bridgewater  
McKENNEY of Cumberland  
BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)** on same Bill.

Signed:

Representatives:

MARLEY of Portland  
FISHER of Brewer  
BOUFFARD of Lewiston  
PARADIS of Frenchville

**READ.**

Representative WHEELER of Eliot moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I will not spend a lot of time on debating this, because as you can see three members from the other body are on the Majority Report. Basically, this bill clarifies that the definition of driving to endanger includes endangering bicyclists, pedestrians, it also provides specific penalties for endangering a bicyclist or pedestrian, including a license suspension for 60 days, a minimum fine of \$250 and a requirement to attend a defensive driving course. It also adds the definition of bicyclist to the statute. The reason the majority felt that this bill wasn't necessary is we tried to come to a compromise with the bicycle coalition and we were unable to because we felt that we were just mainly attacking the drivers on the road and these same penalties were not being applied to a bicyclist or a pedestrian when they jumped out or rode a bike out in front of you and caused a motor vehicle to be in an accident. It is very unfair. It has gone way far out against motor vehicles on the road. We feel that the motor vehicles are starting to look like the second-class vehicles on roads and bicyclists are getting more and more rights. They should have rights on the road and there should be safety issues attached to the driving courses that we do have for young people. We feel that we are just taking away the rights of the motorists and the bicyclists are really not listening and feel that they should be penalized the same as a motorist if they cause an accident, which they could do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I wish to speak against the motion. I was pleased to submit this bill on behalf of the Bicycle Coalition of Maine. It addresses the vulnerability of pedestrians, bicyclists and wheelchair operators when they share our public ways with motor vehicles. We were pleased with the patience of the Transportation Committee as it worked to amend the original bill in an effort to address the committee member's concerns, which you have just heard elaborated, primarily those instances when a bicyclist may be the cause of an accident. You have received on your desk this morning on yellow paper an article; I hope you have had time to peruse it. It does talk about the vulnerability of bicyclists; in particular, it does talk about the responsibility that is needed on both sides. As it stands now, in amended form, the

bill defines a bicyclist as any person who is riding upon, operating or straddling a bicycle. It also expands the definition of driving or riding to endanger to include a bicyclist as a potentially liable person if they are riding to endanger. Under the penalty section, the amended bill states that if the person endangered is a bicyclist or a pedestrian, which includes wheelchair operators, that the court shall consider this an aggravating factor in imposing a sentence. It sets no minimums. It does not mandate. Rather it brings to the court's attention the vulnerability of the endangered person.

In his June 2000 story in the *New Yorker* magazine, Stephen King recounts his accident of the year before. He was walking on the gravel shoulder against traffic when struck by a van and suffered multiple serious injuries. The extent of his injuries resulted in a three-week hospital stay and multiple surgeries. The van driver explained that he wasn't watching the road at the moment of the accident. He was distracted by his dog moving about in the van and nosing at a cooler that contained some meat. This driver was indicted on two counts, driving to endanger and aggravated assault. He was allowed to plea to the lesser charge of driving to endanger, received six months county jail time, sentence suspended and a year's suspension of his right to drive.

We are becoming more and more aware of the problem of driver inattention. This bill offers a small step in addressing this problem by requiring the courts to consider the vulnerability of bicyclists and pedestrians in driving to endanger cases. It gives the courts additional support to impose stricter sentences. Please join me in supporting the Minority Report and showing your constituents that you care about them when they walk, ride their bikes and operate their wheelchairs in a public way. Mr. Speaker, I request a division.

Representative **MCLAUGHLIN** of Cape Elizabeth **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I would first like to thank my good friend from Eliot, for presenting the opposing view on this, but also bringing into attention the body as a whole that all of the committee was very concerned with the issue of safety. I think this is something that we really have to start emphasizing the importance of safety towards that growing group of bicyclists that we see in the roads every year and the growing pedestrian traffic. We also should expand it to say we should be paying attention to other cars on the road. The traffic problem in the State of Maine is growing dramatically. This bill just brings into attention the problems of the bicyclists today. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Really quickly, I just wanted to remind the body and for those new members that in the last session we did address the leaving the scene of an accident. We imposed stricter penalties for that, because of an incident that happened in Poland Springs, Maine. The committee just feels that we have done a lot and there are driving to endanger laws on the books. There are enough laws that if the officers are enforcing them, it will take care of the problem. Thank you.

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

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

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

**ROLL CALL NO. 135**

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Bowles, Brooks, Bruno, Bryant, Bumps, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Estes, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kane, Kasprzak, Labrecque, Landry, Ledwin, Lessard, Lovett, MacDougall, Madore, Marrache, McGlocklin, McGowan, McKenney, McNeil, Mendros, Morrison, Murphy E, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Rosen, Savage, Schneider, Sherman, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Bagley, Berry RL, Blanchette, Bouffard, Brannigan, Bull, Canavan, Chizmar, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lundeen, Mailhot, Marley, Matthews, McDonough, McKee, McLaughlin, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien LL, Paradis, Perry, Quint, Richardson, Rines, Shields, Simpson, Skoglund, Sullivan, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Bliss, Buck, Bunker, Cowger, Daigle, Goodwin, Mayo, Michael, Stedman.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**SENATE PAPERS**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

(S.P. 615) (L.D. 1795)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 591) (L.D. 1766) Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 43) (L.D. 211) Bill "An Act to Increase Health Insurance Benefits for Retired Teachers" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting

**Ought to Pass as Amended by Committee Amendment "A" (S-152)**

(S.P. 85) (L.D. 305) Bill "An Act to Allow Maine to Continue its Membership in the Northeast States Association for Agricultural Stewardship" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

(S.P. 117) (L.D. 393) Resolve, to Change Medicaid Reimbursement for Nursing Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 119) (L.D. 395) Bill "An Act to Provide Funding for a Low-flow Study for the Aroostook Water and Soil Management Board" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)**

(S.P. 161) (L.D. 505) Bill "An Act to Continue the Donated Dental Services Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)**

(S.P. 287) (L.D. 998) Bill "An Act to Promote Learning Through the Reading Recovery Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

(S.P. 302) (L.D. 1049) Bill "An Act to Appropriate Funds for the Capital Riverfront Improvement District" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

(S.P. 320) (L.D. 1088) Bill "An Act to Improve the Literacy of Adults in the State" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)**

(S.P. 377) (L.D. 1215) Bill "An Act to Provide Funding to Continue the State Meat Inspection Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)**

(S.P. 472) (L.D. 1536) Bill "An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)**

(S.P. 498) (L.D. 1585) Bill "An Act to Restore a Workers' Compensation Hearing Officer Position in Aroostook County" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-150)**

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.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT – Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-274)** – Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-275)** – Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Maine Credit Laws"

(H.P. 1276) (L.D. 1736)

TABLED – May 3, 2001 (Till Later Today) by Representative DUDLEY of Portland.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-274)** 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-274)** and sent for concurrence.

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

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HOUSE DIVIDED REPORT – Majority (10) **Ought Not to Pass** – Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-231)** – Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reform the Direct Initiative Process to Eliminate Abuses and Provide Greater Citizen Input in the Initiative Process"

(H.P. 711) (L.D. 926)

TABLED – May 2, 2001 (Till Later Today) by Representative SCHNEIDER of Durham.

PENDING – Motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the Majority Report and to go on and pass this bill. This is actually a bill to provide additional public involvement in the direct initiative process, which is definitely a good thing. Unfortunately, it was heard in committee with a bunch of bills that narrowed public participation and I think that is what produced this lopsided committee report. The way the law is now, when it comes time to develop the wording of a referendum question, a panel appointed by the Secretary of State comes up with the wording. The public can provide input, but there is no way to do that unless you know that the panel will meet and when. Currently, there really is no way to know when the panel will meet. There is really no way that the public can presently have input on the wording of referendum questions. This bill is very simple and it is very direct. The amendment has removed all the more complicated parts. This bill provides public notice that the Secretary of State's panel will be developing the wording of a referendum question and it allows public comment for 10 days on the working of the question. That is all it does. It will certainly produce better worded referendum questions. We all have seen poorly worded referendum questions and this would be an important step in allowing the public to make the wording of those questions

better. I hope that you will vote to expand public participation in the referendum process. Vote against the Majority Report and go on to pass the bill. Mr. Speaker, I request a division when the vote is taken.

Representative SCHNEIDER of Durham **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would ask you to support the pending motion. I would agree with the good Representative that the bill has been amended considerably from the original bill. The amended version retains the provision that requires the Secretary of State to hold public hearings on the wording of ballot questions. These are all difficult issues as the good Representative before me has stated. We did have a number of bills on initiative referendums every year before our committee. It is always a long and arduous task in dealing with these issues. It was the conclusion of the majority of the committee that even in the bill's present form, that the present system is working. Let's not make the system overly burdensome or unconstitutional. Talking with the Secretary of State, as recently as this morning, we feel that we can probably address the issues as the amended versions concern without the passage of this bill.

As I said before, many of you know that the Committee on Legal and Veterans Affairs receives a lot of bills on changing the citizen's initiative. This bill while it is well intentioned, it did not meet the test required by our committee for passage. For that reason, I would ask you to support the 10 to 3 Majority **Ought Not to Pass** Report.

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. 136**

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

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

ABSENT - Bliss, Buck, Cowger, Daigle, Fuller, Marrache, Mayo, Mendros, Michael, Perkins, Perry, Stedman.

Yes, 85; No, 54; Absent, 12; Excused, 0.

85 having voted in the affirmative and 54 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Bill "An Act to Promote Healthy Workplaces"

(H.P. 496) (L.D. 636)

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative KASPRZAK of Newport to **RECEDE AND CONCUR**.

Representative NORBERT of Portland **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**: 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. 137**

YEA - Annis, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McNeil, Mendros, Michael, Muse K, Nass, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor, Young.

NAY - Andrews, Ash, Bagley, Baker, Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

ABSENT - Bliss, Buck, Cowger, Daigle, Koffman, Marrache, Mayo, Morrison, Stedman, Weston.

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

43 having voted in the affirmative and 98 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ADHERE**.

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

The same Representative **WITHDREW** her request for a roll call.

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

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

Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992"

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

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR**. (Roll Call Ordered)

The **SPEAKER**: A roll call having been previously 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. 138**

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

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

ABSENT - Bliss, Buck, Cowger, Daigle, Koffman, Marrache, Mayo, Stedman.

Yes, 56; No, 87; Absent, 8; Excused, 0.

56 having voted in the affirmative and 87 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative NORBERT of Portland, the House voted to **ADHERE**.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect Children from Internet Pornography"

(H.P. 1156) (L.D. 1556)

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

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on this bill in the name of decency. I ask you to consider these questions in your own mind. What role does pornography play in public schools? Is there any purpose for anyone of any age to have access to it? What could possibly justify access to pornography on a public school Internet? What purpose does pornography serve in our tax-supported libraries? Does it contribute to the richness of our literature? Is there any redeeming feature? Can we be proud to tell people from away that our children have been permitted access to pornography in our schools and libraries? Would you want your children influenced by it? I think we all know there are those who like to do this filth. They are free to do that in their own private facility. Many schools and libraries have filters or blocks, which do not permit access to obscene material. However, there are many that do not. Let us send a signal to the public that we do not approve of pornographic or obscene material in our publicly funded facilities.

Bear in mind that the United States government does not allow it on television or radio. There should be no objection to this on the basis of governmental censorship. Maine should not allow it to be accessed in our public funded facilities. Please vote against the pending motion and let's go on to pass the bill. Thank you.

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Representative **ETNIER** of Harpswell assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I consistently hear speeches from this body on how to protect our children. I hear us talk about gun control measures in the interest of protecting our children. I hear about anti-smoking measures to protect our children and anti-drug measures to protect our children. This is another type of protection for our children. It is a protection of their minds from Internet pornography in public schools and public libraries. I initially submitted this bill in response to the Chief Executive's laptop computer proposal. In his proposal he noted that these laptops would have wireless Internet capability. I thought about the pros and cons of having these laptops. There was a lot of concern I had about these powerful information tools in the hands of our kids, wireless Internet access, and what they would be doing with this wireless Internet access in the restrooms, during recess, during lunch and I was concerned.

My concerns were put at ease during the State of the State Address when the Chief Executive told us that these would be filtered. The Department of Education has no comprehensive policy dealing with pornography so I did feel that this bill was necessary. When children are away from their parents, in either a school or a library, they have to have a certain level of comfort to make sure these children are protected from Internet pedophiles that prey on unsuspecting children. This bill is not intended to infringe on the rights of parents when it comes to proper supervision of Internet use. What it does is it gees parents that state of mind to know that there is minimum standards in place when they go to school and when they go to a library. I would never want my kid to go to a library today because they do not have these policies in place. Many of today's schools have adopted policies regarding restriction. My

objective is to have the Department of Education implement standards for dealing with children's access to pornography. My efforts are not intended to reduce municipal control, but leave the option open for local schools to implement stricter standards.

I tell you that this is not a laughing matter. Pornography demeans women. It has been proven to lead to domestic abuse, child abuse and is one of the leading causes of breakups of marriages. In an era where domestic abuse is running wild, I view this as the first step to get to the root of the problem, before it starts. There will be arguments against this bill that it removes local control. My efforts are not intended to reduce local control. I want to leave the option open for schools to make it stricter.

Ladies and gentlemen of the House, I hear people all the time saying that kids are accessing illegal pornography over the Internet or in public schools or public libraries. I see a lot of people that really just don't care because we are going to call that freedom of speech.

The second part of my bill deals with access to pornography in libraries. I do not feel it is a librarian's responsibility to view what a kid cannot view over the Internet. It is not their responsibility to know what the kids are doing. It is the parent's responsibility. I strongly feel that it is our job as leaders to make a stand against those things that are corrupting our society. The Internet is a powerful tool for conducting research. We, as adults, need to take the responsibility when it comes to ensuring our children are not exposed to this type of material. Topics such as satomasticism, bestiality, pedophilia, zoophilia and dominatrix are just a click away for our kids in these libraries. I am almost through. This bill does mandate the meats. It does not require the use of filtering devices. It simply gives the power to the Department of Education and the Maine Library Network to formulate a plan to ensure that children do not have access to Internet pornography in public schools and public libraries. Librarians all over the US are getting fed up with pornography. There are lawsuits popping up all over the United States where librarians are suing municipalities because they are being forced to look at porn on computer screens. It is only a matter of time before Maine librarians start getting fed up with this cyber porn and start suing for cyber sexual harassment like they are doing in Chicago and about seven other municipalities right now.

In closing, I will ask the members of this body to think about your own children and grandchildren. Would you send your child to an adult bookstore? How about an adult video store? If you say no, then I ask you to say no to the pending motion. When we do restrict these sites from our children, we are actually letting them have free access to an adult bookstore. We just let them go and let them have free reign on the Internet. That is exactly what we are doing. We are giving them a free pass to an adult bookstore, free pass to an adult video store. If you are opposed to children having access to Internet pornography, please vote against the pending motion. If you think children should have a constitutional right to view pornography, then you vote yes. Thank you Mr. Speaker. Mr. Speaker, I ask when the vote is taken, I ask for the yeas and nays.

Representative **DUPREY** of Hampden **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 Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. In all due respect, this is about local control. Right now every single community, school board or SAD district has a board that decides on the policy. I teach and my school board has a policy. Clearly there are three jobs of a school board, to

hire and fire a superintendent, to create and support and budget to submit to the town fathers and to develop policy. Every single school system in the State of Maine has a policy and has the right to develop as strict or as lenient of a policy as the locals want to develop. Mine is quite strict. Parents and children must sign it. If children decide to break that, they are automatically refused access to any computer for any reason. It is up to the local school board, each and every local school board. I was not sent here to do the job of developing policy for a local school board. I would ask you to vote with the Ought Not to Pass Majority Report.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Ought to Pass Report on this report. This bill does not begin to deal with the problem that we have and I recognize that, but I strongly feel that we need to perhaps begin to send some messages. If you remember, last week I stood in this body and I talked to you about a bill that I presented regarding obscenity. I spoke of a couple incidences that had happened to be. One of them being that since I brought the bill regarding obscenity forward, I have received obscene pornography type e-mail. Because I am bringing up my granddaughter, I was very concerned about this issue. Two weeks ago I assigned her a separate screen name with so-called parental control on the Internet. I came home this week, read my e-mail and I thought I was just going to check my granddaughter's sites. Ladies and gentlemen, she had four obscene pornographic e-mails on her site. Something is wrong with what we are allowing to get through to our children even for those who try to protect our children. I would ask you to please vote down the Majority Ought Not to Pass Report and let's begin to send a message to try and protect our youth. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I concur with the speakers who are very disturbed about pornography on the Internet and their concerns about what might be happening in the schools. The speaker from Biddeford mentioned the paper that students and their parents sign. That is an acceptable youth policy that is in effect in our school system and it is signed by the children who want to use the Internet and it is signed by their parents. As was expressed, if inappropriate action is taken by the student, they are not allowed to use the machines anymore. We also have many schools that have the filters. I know the filters are not 100 percent accurate, but a lot of the schools already do have filters.

A very interesting note, last spring the federal government passed a law, the Neighborhood Children's Protection Act. This particular law indicated that if any school in the country was receiving ERATE money or any kind of subsidized services, they would have to use filters. This law has not taken effect yet because it is being challenged as censorship. One of the groups that is challenging it is the Library Association. The Library Associations came before us very strongly indicating that they felt it was their responsibility in their libraries to monitor who was using and what they were using in their particular libraries. It was either their responsibility or the trustee's responsibilities to make rules and regulations. I understand 100 percent the concern of the people who have spoken in favor of this bill. We did not have much testimony in favor of the bill. We had a lot of testimony in favor of the bill. We had a lot of testimony in opposition to the bill. We felt this is being handled by the individual school systems and has been mentioned before each individual board of directors makes the decision how it is going to

be handled in its school. Therefore, that is why I would ask you to vote with the Majority Ought Not to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, as I understand it, directs the Department of Education and the Maine Library Network to formulate policies to protect children from Internet pornography in public schools and public libraries. What is so bad about that? I know my local library and many local libraries do their very best to protect children from unwarranted access, but they are very busy, usually understaffed, and can't be watching over the shoulders of the children at all times. If you go to various libraries, they will have different approaches, because there are no guidelines for them to adhere to. Too often, it is a catcher's catch can approach. I believe a lot of librarians and people working in libraries who didn't come to Augusta that day for the public hearing would love something like that, yearning for some guidelines.

Some of you know that my wife, Patricia and I, have been fortunate and have been blessed with five children. They are five boys. I want you to imagine, if you can, go back a few years when they were smaller, if I instructed the boys to perform a project, let's say mow the lawn and trim around the bushes and so forth, if I didn't leave clear precise guidelines as to how and what I wanted done, I can assure you that I could go away for a few hours and come back and half the lawn would be moved and Mrs. MacDougall's petunias would be gone.

Children need guidelines and in this case the libraries and schools need the guidelines that this bill would allow to be developed. You need guidelines to come up with proper and good results. As all of you know, you have been receiving many, many letters and pass outs looking for your support on the technology opportunity we have in the State of Maine. In fact, a letter from the Commissioner of Education, I received one today, urging support of that and what it can do for Maine children going into the future. We want to lead in technology. We would like Maine to lead in some things that perhaps it hasn't in the past. As technology changes, my friends, so don't the threats to our children through the uses of the Internet. This issue will not get simpler, it will maybe get more complex. Therefore, I would urge that you would support this bill. It seems to me to be a reasonable bill to protect our children and to be opposed to it just does not compute. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative **WATSON**: Mr. Speaker, Men and Women of the House. As a member of the Education Committee, I did sit and listen to all of the testimony and opposition, but even before I heard most of that testimony, I basically knew where I stood. As a board member of a local library association, I am very proud to say that we care as community members about the contents of the information that our students, particularly those in grades K through 12 have access to. We are doing what we can do as a local library to protect them from obscenity. The Maine Library Commission spoke very eloquently in support of not passing this as what they considered a Band-Aid approach to what they also consider a major problem. Not only the libraries across the state, but the schools in my three school districts also have been grappling with this difficulty for the number of years that they have had computer access to their students. In one of my school districts just recently they have upgraded for the third time in four years their software on filtering. They know, I was there at the board meeting, that this isn't the end all to be all for protecting the students. They know that anything and everything that they can do, they will.



The Maine Library Association Commission when they did come before us had three really good, I think, reasons why we should not support this legislation, not matter how well intended it was. The first reason is that the bill requires that the State Library and the Department of Education to come up with regulations. It sounds like something that they could all do. How are they going to do this? We already have laws on the books that state that obscenities are illegal and pornography is not. Again, what distinctions will they draw, both as a library commission and the Department of Education. We certainly don't want children accessing either one of them, but librarians cannot stand behind every child using a computer.

People may ask, why not filters? Why not make them mandatory? Right now there is overwhelming evidence that filters are unreliable, as in the example of my school district that has already had to upgrade three times. *Consumer Reports* latest test from March 2001 showed that several of the most popular Internet filters on the market allow access to one in five sites with x-rated or violent content. In other words, Internet filtering software generally fails to block one out of every five web sites deemed objectionable for children. Net Nanny or Cyber Snoop, which typically rely on the moral judgment of their reviewers to decide what the rest of might find offensive blocks less than half of the objectionable sites that were supposed to be filtered. Sites with explicit content that did not use obvious keywords are not blocked. Software filters are not adequate because they can't evaluate the context in which a word or a phrase is used. The federal commission on online child protection, COPA, which was appointed to study child safety on the Internet concluded that filters are not affective in blocking all contents that some may find objectionable. They do not block much useful and constitutionally protected information. The FBI, E-Bay, Chicago Public Library, Republican and Democratic political candidates and sites about breast cancer and anorexia were among the web sites blocked by filters. That is unfortunate.

Second, the bill takes away the right of local communities to determine local access policies. Third, the librarians and local communities are already addressing child Internet access issues. The Maine Library Association in a recent statement entitled, *Internet Access and Filters Took the Following Position*. I will quote. "The MLA respects the responsibility of all parents and guardians to guide their own children's use of the library with its resources and services. The Association recommends that libraries teach responsible and affective use of the Internet through handouts, online guides, training sessions and web pages highlighting library recommended resources."

I suggest to you, my fellow colleagues, that we do everything we can in our communities to make sure that whatever safeguards can be put in place are. I don't think that this is something that we need to mandate to the Department of Education or to the Library Commission to make and set standards and rules and regulations for us at the local level who obviously have the best interest of all children at heart. I would like to see people support my Ought Not to Pass vote this afternoon. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I hear the debate and it doesn't make a lot of sense to me. We shouldn't use filters. This bill doesn't mandate it, but it is an option. We shouldn't use filters because they don't always work. Are we going to tell police officers that they shouldn't wear bulletproof vests because they might get shot in the head. It stops four out of five, that is pretty good. Nothing is perfect, but we should at least be trying to solve this

issue. It is a local control issue. We don't leave everything up to the school boards. We have certain mandates. I think they are called learning results that we passed down to local school districts that they have to do. What is wrong with a simple guideline? I am a big defender of freedom and individual rights. We are talking about pornography to kids. We are not talking about adults getting pornography or adults drinking on a golf course. We are talking about pornography to kids. That is the issue here. If a school district disagreed with this, they are nuts and we should go in and tell them you need to fix this. We don't want kids anywhere in Maine getting access to pornography. We hear school districts where you have to sign and form and if they see you getting pornography, we are going to punish you. That doesn't make sense. It is not the kid that is guilty. It is the person that is peddling the pornography. Do we have a policy in our schools that if a kid does drugs, we punish them, but we will let the drug dealers come on because it is their first amendment right to come peddle their drugs. That is what we are doing here. You know what? Drug dealers still find a way to sneak their way onto schools. That is what we are doing here with pornography. Yes, they might find a way in, but I think we need to set a policy that our kids shouldn't be exposed to it. We should do whatever we can to limit that. We should have a statewide policy against pornography. We shouldn't be punishing kids for seeing it. We should really go after the culprit that is bringing it to them, just like with drugs. I don't get it. I don't understand why anyone would support promoting pornography to kids.

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

Representative COTE: Mr. Speaker, Members of the House. I have been sitting here listening to the debate of my fellow colleague from Lewiston, it just urged me to stand up and speak on this. I am hearing that it is a local control thing. We should mandate this. For one thing, our school board is the one that has the control of what makes the policies for our school systems, not us. They are the ones that were elected on the school board to make the policies for the school systems. I know my school board has set the policies. I represent six schools in my district. I know for a fact not one school allows this type of thing to happen. I also know, I will use my son as an example, he has a computer at home. He has parental control on it. His mother set the parental control. He does not receive anything of any sort like this in his e-mail. I have checked it. His mother has checked it. It does work. The parental control does work. For us to get there and pass this, there is no sense.

We protect our children every day. I have been protecting my son for 15 years. Yes, he is going to get up in age and move out and be on his own. Right now he is under my control. I have control over him to say what he does and what he can't do as far as the computer goes and as far as Internet access. Our public library in Lewiston does not allow this either. I know this for a fact because I deal with them all the time. I urge my fellow colleagues to follow my light and let's pass the Ought Not to Pass. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I think it is how we define obscenities. Children who live in poverty is obscene to me. Children who have no health care is what is obscene to me. Children whose parents cannot make a living wage and is having a hard and difficult time to bring them up and educate them is what I find obscene. Let us not chase this boogie man. Let's deal with real issues that are really obscene. 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 am sitting here listening to this debate and I am wondering if some of you are maybe feeling a little uncomfortable with this debate as I am. As many of you know, the Internet is the new frontier for the pedophiles and the bad people of our society to prey on victims. When I hear someone from the Education Committee say that filters don't really work and maybe we had better not do this because we don't want to interfere with privacy or whatever, I am a little bit concerned given the fact that we had just passed a law recently to fingerprint teachers in trying to search our pedophiles. I am wondering, isn't this a little bit odd that we would fingerprint 50,000 school personnel looking for a pedophile, but we would allow unfettered access to the Internet where pedophiles now prey on children. This is a real problem for me. I wasn't planning on speaking on this, but the more I hear this debate, the more troubled I am. Ladies and gentlemen of this House, if we are going to commit millions of dollars and fingerprint our teachers, I believe it is time to put some protection on the Internet in our schools. Ladies and gentlemen, I think we look a little odd. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kittery, Representative Estes.

Representative **ESTES**: Mr. Speaker, Ladies and Gentlemen of the House. Sometimes where I come from is referred to as being south of Portland, almost Massachusetts. I do not take any bad feelings from that. One of the things that I think there is certainly some misinformation with some of the discussion that is going on. Since the computers were introduced into the schools and became more and more reliant on the Internet as a teaching tool, it was evident that guidelines had to be created, same thing for our public libraries. In fact guidelines were created and circulated around to school districts and to local public libraries with recommendations on creating policies to prevent, to the greatest extent possible, inappropriate access on the Internet. All of your public libraries already have policies for Internet usage that prohibit access to illegal content, not only by minors, but also by adults. They also have set policies for using the Internet and what is proper and what is not. I can assure you that there is not a single public school that intentionally allows a person, not only under the age of 18, but if they are in public school and they are 18 or 19 or 20, they are not intentionally allowed access to inappropriate materials on the Internet. On the contrary, public schools have made every effort to protect children from and prevent children access to inappropriate material.

Currently in Maine, we require students and parent parents to sign an acceptable use policy or what is known as an AUP. These policies discuss such issues as inappropriate websites, inappropriate network use, restricted search engines, as well as responsible use of technology and consequences for students who violate the policies or use Internet access in an irresponsible manner. The Maine School Management Association has gone around and helped schools through workshops by cosponsoring technology related school law, AUP samples and related information to schools on technology in those workshops. When teachers have a class in a computer lab, they are constantly walking around and monitoring what those students are accessing. One of the things that quite often students forget is that wherever they go, whatever they visit on a computer, it leaves a trail. That trail is often monitored by the technologist and when students are found to have been in an inappropriate sites, they are subject to the punishments under the agreement that they and their parents have signed with this acceptable use

policy. I think we are trying to resolve a problem that doesn't need to be resolved. I think it is one that is constantly being looked at by school committees. It is being looked at by boards of trustees of our public libraries in order to minimize it as much as possible. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. You can see that there definitely are weaknesses with our filtering systems. You heard Representative Watson say that both Republican and Democratic candidates' websites have been known to be filtered out. Us wild living Democrats perhaps should be, but a good upstanding Republican certainly should not be blocked from public view. You can see that there might be a few weaknesses. Let me just say that there already exists one simple law that prevents Internet pornography and those who will show it to our children. That is a federal law that says it is a federal crime to subject children under 18 to exposure to pornography. That law exists. It is sufficient. I am in agreement with my colleagues who say that no librarian or teacher in the state knowingly subjects children to Internet pornography. This bill is unnecessary. It is already firmly entrenched in federal statute. Thank you.

The **SPEAKER PRO TEM**: 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 that the House consider moving on to the Minority Report, which is the bill, LD 1556. I rise not only because I am a cosponsor of this bill, but as an expert of someone who has been in the field for a number of years. I have been involved with the use of computers in the workplace and I have made my living at it for the last two decades. I have to say that our industry is 100 percent opposed to children having access to pornography on the Internet. As in the 119th Legislature when I rose to inform the House that the Department of Human Services was not Y2K compliant and then you all read in the paper five months later that it wasn't and it looked like they weren't going to be able to bill and be able to respond to the billing needs. I, too, am rising in the 120th, to tell you that we have a serious problem with children gaining access to pornography on the Internet through these public institutions.

At first blush, one might jump to the conclusion that it is a local control issue, but when one examines the issue a little bit further, they realize that it absolutely is not. In fact, what we are doing is quite a favor with this bill to both school districts and to libraries because we have the expertise at the state level to show and provide guidelines and research in updated materials to all of the school districts and libraries.

I used to think schoolteachers growing up were absolutely the most brightest people I have ever met. I still very much respect them and agree. However, I do remember recently going into a third grade classroom and I watched a teacher dealing with their students in front of computer and I realized in many ways their students knew more about the operations of that PC than the teacher did. The teacher remarked at me at the remarkable rate of learning of the children and how wonderful it was and how much we all agree with that. Think about the unquenchable appetite of pedophiles that trick and deceive small children and teach them that accessing pornography is funny. It activates their curiosity. Children are very much prey to this.

I recently went up to my middle school and I met with some kids that were friends of a constituent of mine. I told them about this bill that was coming up. One of the young ladies in their early teens had remarked how easy it was to look up

pornography. I asked her what she meant and she went over and she pulled up some of the most graphic pornography that is free access on the Internet that I have seen. She thought it was a joke and she thought it was funny. I went and I remember speaking with the librarian about it and the librarian remarked to me, well really what can we do. We can only go so far. I thought to myself and I think the House should seriously consider the fact that you have access to tremendous resources and experts that can teach librarians and teach teachers and teach school districts what is appropriate mechanisms to dealing with this pornography. You have to realize that the computer professionals have brought a very powerful tool to bear for Maine industry and for the learning centers. We brought with us baggage of two of the two worst problems that are plaguing modern day society. That is computer viruses and pornography. Both are 100 percent unacceptable and what we need to do is provide the tools and the education and, yes, the guidelines on how to deal with these very serious problems that are actually evolving. What is an appropriate block of pornography through a filter and 2001 will not work in 2002. There is a tendency by school districts and librarians to visit a problem once, believe it is solved and walk away. We need someone charged with the very serious task of monitoring this problem, developing guidelines and updating them and making sure that that information is disseminated.

How could somebody be against that? I certainly am not and I know that you are not. I don't know of any school district or library that is in favor of giving pornography to children. Let's provide instead the tools and the guidelines for them to be able to carry out this awesome task of making sure that the children don't gain access. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY: Mr. Speaker, Men and Women of the House. I don't want to belabor this discretion anymore, but I do want to say a couple quick things before we are done. I want to thank the speaker for helping to make my point on this bill. He was kind enough to ask me if I wanted to do this debate this afternoon or if I wanted to hold it off to an evening session because there would be kids in the chamber. My kids are in the chamber right now. I don't say anything in this chamber that I would not say in front of my own children. I had no problem doing it this afternoon. It was nice of him to ask me that. I really appreciate him doing that, but my point was made that he was worried that kids would be exposed to something I would say. Something I might say that would be offensive to a child. Yet, we really don't care what they see on the Internet. It makes no sense to me. We don't care what they see, but we will worry about what we say. Let's really ponder that for a few minutes. I heard a lot of argument a couple years ago about the V-chip. We were going to put this V-chip in TVs so kids could be censored so they don't see bad TV programs. We would entrust the parents enough to turn the TV off. This is no more than the same exact thing.

The last thing is local control. I seem to recall a bomb threat bill in here that we were going to tell schools how to handle bomb threats. Isn't that a local control issue? What if a school board said it was okay to pray in school? We would be the first people to tell them how bad that was. We would ban it right then and there. We would enforce our legislative right to tell how bad prayer is in school? We have the power ladies and gentlemen. We use it every day. We have the power here to send a message. The message is that kids are worth protecting. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House. I think this debate has gone on long enough and I really do not want to prolong it. By the same token, I can't sit here and listen to somebody say that I voted to promote pornography. I think that is a very undue statement made to the people against this. We have tried to tell you why we voted against it. The other one is that we would allow the use. We tried to tell you that there have been guidelines developed. We have heard over and over in this debate that guidelines should be developed. They are there. They are being used by most schools. Maine School Management has conducted technology related school law workshops, AUP samples and related information to schools. This has been done in an organized way. Thank you Mr. Speaker.

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. 139

YEA - Ash, Bagley, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cote, Cummings, Desmond, Dorr, Dudley, 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, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Muse K, Nass, Norbert, Norton, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Baker, Belanger, Berry DP, Bowles, Bumps, Carr, Chase, Chick, Chizmar, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nutting, O'Brien JA, Perry, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Watson, Winsor.

ABSENT - Bliss, Buck, Cowger, Daigle, Marrache, Matthews, Mayo, O'Brien LL, Stedman.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 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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HOUSE DIVIDED REPORT – Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-252) – Minority (1) Ought to Pass as Amended by Committee Amendment "B" (H-253) – Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Laws Governing Registers of Deeds"

(H.P. 991) (L.D. 1328)

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

PENDING –**ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)** Report.

On motion of Representative BAGLEY of Machias, the Bill and all accompanying papers were **COMMITTED** to the

Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

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

**SENATE DIVIDED REPORT – Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-94) – Minority (4) Ought Not to Pass – Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Expand the Maine Mathematics, Science and Engineering Talent Search Venture"**

(S.P. 280) (L.D. 991)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94)**.

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

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

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

On motion of Representative **WESTON** of Montville, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Montville, Representative **Weston**.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before us represents a very good idea. The testimonials that we heard in our committee were impressive. Eight rounds of high-level math problems are mailed to six to 12 students all over across the state, at their request. They are corrected and mailed back to them. However, during our hearing there were three questions that I could not resolve that lead to my position to not support the funding for this particular program. First, the funding, now, as amended, will go to the Maine Math and Science Alliance. The intellectual property to this program appears to be owned by an individual, separate from Maine's Math and Science Alliance and there are many questions about how this problem is going to be resolved.

Secondly, the appropriation of \$94,265 is for one year, but can become an ongoing commitment. I found that I cannot justify that to my school district while they are in the midst of doing their budget preparations.

Thirdly, I believe I see that there are other ways to fund this worthy program. Perhaps those who are participating, it is a smaller number, could pay a fee in order to participate. Perhaps they could find private contributions. I just raise these questions and ask that we find another way to fund this program. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Madison, Representative **Richard**.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. As was previously stated, there is a large fiscal note with this bill. Those of us who voted in favor of the bill realize that it very well might not get by the Appropriations Committee. We felt the program was strong enough that it deserved that chance to lie on the table with all of the others. Sixteen hundred students participated in this program last year. It used to be run by the University of Maine. This certain professor was working for the University of Maine and it used to be run through the University of Maine System. She is not working for the University of Maine System now, but she does have 25 people working with

her and two secretaries and several of the professionals at the University of Maine work with her.

When we put on the amendment that the money would go to the Maine Mathematics and Science Alliance, not directly to her, that seemed like if the money were available, it would be a logical way of handling it. We had students who spoke to us. I have had letters from students all over the state and there are students all over the state, this isn't one section of the state, saying what a wonderful program it is. They have been sent questions eight times a year and it is up to them to find the answers to them. It is research that they have to do and they all agree that in math and science they learn a tremendous amount from this.

I just say to vote your conscience. It is an excellent program. Whether or not we can fund it, that is the question.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I will cast a vote in opposition to something for education. Not because I think it is a bad program or the children don't benefit from it, but because as we sit here during budget times and we know that there are school systems that will not get funding, as much as they did last year, because there is not enough money. I cannot in good conscience, I thank the chair of Education to say vote your conscience, I feel somewhat less bad. How can we have a huge fiscal bill voted here to make it look good, send it to Appropriations and hope they do our job? I could not imagine myself standing up and saying this. Math and science, the wave of the future, not enough women in it, all the things that I have stood here for almost three years and spoken about. There are 82, the last count, school systems not getting full funding. Those 82 school systems sure could use \$97,000. Thank you Mr. Speaker.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I also will not be supporting this bill. I cannot in good conscience support a plan no matter how outstanding for a limited number of students when, in fact, we are paying new teachers in this state as low as \$19,500. In fact, the mandated minimum on the books for the State of Maine to pay new teachers is \$15,500. When a bill came before the Education Committee this year asking to raise that minimum amount to \$25,000 in order to draw teachers into the profession, in order to draw teachers into the system, that want to make above a minimum wage if they have a family of four. They were told that there is no money. I am shocked to see that \$94,000 might be set aside for this project, no matter how worthy. Ninety-four thousand dollars is just slightly less than the \$100,000 currently appropriated for a bill called the Endowment Incentive Program. It is a bill that would jump start endowments for the 15 public institutions of higher education and enable projects like this to be funded. We cannot continue to fund these programs without looking at the large picture of higher education in this state. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I don't get up often to speak, but on this issue I feel strongly. We have some talented people in this state. Let me tell you that math and sciences is one of the subjects that we, as a whole, in this state do not excel in. Those few candidates that we have that do excel in this deserve a chance. This program provides them that chance. So what if it does fail on the Appropriations Table. At least we will have spoken up and said that some of our talent should be recognized. I hope

that you will vote for this measure and let's get on with it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I spent my entire career teaching science and mathematics to students. One of the things that does exist in the State of Maine, which only costs our school districts is the Math League Program. The Math League Program has been going on for many, many years. Without the university involvement, without eight questions a year, I can assure you that the questions asked on those exams were not easy questions in every couple of weeks competition. Anyone could be part of those teams that chose to be. As a classroom teacher, I can tell you that I asked more than eight challenging questions every day. Some days they were great answers and other days we pondered the question.

Ladies and gentlemen, I cannot support a program such as this when my school and other schools in the State of Maine could develop their own programming, be encouraged to develop their own programming and get funding to fund the programs, which exist today. Thank you ladies and gentlemen.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I would like to point out that there isn't one thing that prohibits any school district or any schoolteacher from expanding their programs right now today. They could certainly go ahead and do that. I don't see them doing it. I don't know why. I would like to point out that there isn't one school district in the entire state that is taking a bigger hit than mine in this budget season, there isn't one. There isn't one even close. I am incredibly disappointed when I hear educators stand and say that teachers are only making \$19,000 and this is cost prohibitive to reach out and help students who are shown to be some of the brightest in Maine, students who are excelling in math and science, the technologies that we need to bring business into the State of Maine, technologies, I am sorry to say it, but we know that the future is not in our paper mills, the future is not in our shoe factories. The future is not in our textile mills. The future is in technology. The future is in our math and science programs and we need to do everything that we can to reach out to these children who have demonstrated that they can excel in these programs and if we are spending \$90,000 to assist 1,600 of them, I say what a wonderful thing that is. If some committee somewhere down the road chooses to vote against that and not to fund that, then so be it. That is for their conscience. That is for them to live with. My choice is to reach out and assist those children. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Ladies and Gentlemen of the House. The future may be technology, but the future is not going to be in teaching. I am on a mission this session and that mission is to remind us of our commitment. I am becoming increasingly dismayed by our leanings toward new things, new ideas. We are on a budget, folks, and I don't know about you and your family, but when I am on a budget, I have to stick to it. I have to stick to it. I have to stick to it no matter what comes along. I can't say that I am going to go out and buy this new television when my commitment has been to save money for my kids to go to college or to put money aside to fix the roof. We are forgetting our commitments and we have got to be adults here. We have to be able to say in our committees that we don't have the money, the fiscal note is too high. Our commitment in education is to the future. The future may be in technology, but

folks it is not going to be in teaching. The shortage is here. If a student does happen to come into our halls, we grab them and try to keep them. They are exiting almost as fast as they come in. They can't make it. You have got to accept the responsibility. The only way that you can get to your commitment is by assuring the new things to come along. I would disagree with the previous speaker. We are doing pretty well in math and you know why? We are doing well because we are finally putting professional development money into the teachers of math and science. Good teachers like the good Representative Berry. The Maine Math and Science Alliance is a wonderful thing. It is encouraging good teaching, but you have to have one of professional development. We don't put money into professional development and yet I see in one of the new frills that we have designed called laptops. There is plenty of money for professional development, almost a million dollars. Do you know what that does to me as a teacher who has not seen professional development money seriously put into our budget? It is very bothersome. We are on a budget folks. Let's be adults here. We have to eschew the frills. We have to say no. I am sorry that I have to vote against this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. May I correct a misinterpretation? I didn't say that eight problems were sent out a year. I said that problems were sent out eight times a year. It is a packet of problems. I think that is a very important misinterpretation that a packet of problems sent out eight times a year certainly not just eight problems sent out. Thank you very much.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I want to echo some of the comments of the previous speakers regarding the budget priorities that we have. A budget priority I believe that the House of Representatives should have their commitment to school districts for general purpose aid to education. Under the current proposal South Portland schools are slated to lose \$700,000. That is a \$700,000 reduction over the current years funding in public education in our school district. We are looking at an enormous reduction in our school district. We are looking at an enormous reduction. The front-page headline of the Portland Press Herald today, the headline is South Portland School Officials to Present Cuts. "Requested budget reductions totaling \$2.6 million are expected to include at least 11 teachers and technicians. School officials will present a list of personnel cuts and other budget reductions totaling \$2.6 million during a meeting tonight with the City Council. Among the potential targets are at least 11 teachers and educational technicians. Cuts would increase classroom sizes in South Portland Elementary Schools as many as 20 positions throughout the school department could be affected, officials said."

Why is all that going on in South Portland? The reason why that is going on is because of the Legislature's movement away from the commitment of general purpose aid to education funding to school districts like South Portland the knowledge that we are looking to have an enormous cut in school subsidy in the second year of the biennium budget, which has not been provided for.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard for what reason does the Representative rise?

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I would like to ask what this has to do with the subject at hand?

The SPEAKER PRO TEM: The Chair would remind Representatives to please keep your comments to the bill before us. The issues pertaining to the South Portland school budget has gone before us and the Representative may proceed, but please keep your comments to the bill that is before us. Thank you. The Representative may proceed.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. That is why when we are looking at the setting of the priority of funding this item in lieu of funding for general purpose aid to education is such an important one because what we are saying is this new and expanded educational program is more important than our commitment that I believe we should be maintaining to basic education. Thank you Mr. Speaker and thank you ladies and gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative **LEDWIN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a great concept and the students were absolutely outstanding, but as a member of the Education Committee, I have to let you know why I was a minority Ought Not to Pass member. Mainly because the ownership of this program is not what the University of Maine as it used to be, but it is with an individual. This individual was encouraged by our committee to raise private funds from other resources. I, as a member of the committee, felt that this was a great way to go. May I please request the yeas and nays? Thank you Mr. Speaker.

Representative **LEDWIN** of Holden **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 South Portland, Representative Muse.

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

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. For anyone who may care to answer, it has been brought to the attention of the body that this bill has a price tag of \$90,000. I am curious if we were to oppose this and turn this bill down, if it will do anything to increase the amount of general purpose aid that will come into my community of South Portland or any other school district?

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 Kittery, Representative Estes.

Representative **ESTES**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question from the Representative from South Portland, this came before us with a fiscal note on it that was put on by the fiscal office. This was not a bill that was generated out of the Education Committee. It was simply referred to the Education Committee and if this bill were to pass in this body today, which I hope you will vote with the Majority Ought to Pass Report, this will go with all other bills with fiscal notes on them to the Appropriations Table. They will decide whether there is money available to be spent or not. This money could not be diverted into general purpose aid or anywhere else.

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. 140**

**YEA** - Bagley, Berry RL, Bouffard, Brannigan, Bunker, Canavan, Chase, Chick, Colwell, Cote, Cummings, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Honey, Jones, Kane, Koffman, LaVerdiere, Lemoine, Marley, McDonough, McGowan, Mendros, Michael, Michaud, Mitchell, Muse C, Muse K, Norbert, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Stanley, Tessier, Thomas, Tuttle, Volenik, Watson, Mr. Speaker.

**NAY** - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Blanchette, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Carr, Chizmar, Clark, Clough, Collins, Crabtree, Cressey, Davis, Dorr, Duncan, Duprey, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Kasprzak, Labrecque, Landry, Laverriere-Boucher, Ledwin, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Murphy E, Murphy T, Nass, Norton, Nutting, O'Brien JA, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

**ABSENT** - Bliss, Buck, Cowger, Daigle, Marrache, Matthews, Mayo, Morrison, O'Brien LL, Perry, Stedman.

Yes, 54; No, 86; Absent, 11; Excused, 0.

54 having voted in the affirmative and 86 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass Report** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

**SENATE DIVIDED REPORT** - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (S-132)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure Independent Decision Making in Appeals of Denials of Abatement of Property Taxes"

(S.P. 307) (L.D. 1054)

- In Senate, Majority **OUGHT NOT TO PASS Report READ** and **ACCEPTED**.

**TABLED** - May 4, 2001 (Till Later Today) by Representative **McLAUGHLIN** of Cape Elizabeth.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**.

Subsequently, the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence.

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

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I would like to be recorded on a vote on LD 1556 as voting yea. I had mistakenly voted nay on LD 1556 Ought Not to Pass. Thank you.

SENATE DIVIDED REPORT – Majority (11) **Ought to Pass** – Minority (2) **Ought Not to Pass** – Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

(S.P. 536) (L.D. 1667)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED – May 4, 2001 (Till Later Today) by Representative McLAUGHLIN of Cape Elizabeth.

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. Realizing what has taken place in the Senate, I know that most likely this bill will pass. The reason that I disagree with this bill saying that the state will approve a master plan for state facilities is simply this, last year, for those who are new in this body, there was a publication given to us from the State Planning Office that included their desired type of neighborhood for each and every one of us across the state, the Ozzie and Harriets and young turks and such. Their desired neighborhood for the people of the State of Maine includes certain elements, which do exist in the City of Augusta. When this master plan was talked about in this city, certain people from the neighborhoods in this area where the master plan is to cover said that they had those wonderful neighborhoods and that they just wanted to keep them. The master plan would change these neighborhoods. I just don't think that it is logical or desirable that we should, as the state government, work towards destroying the very traditional neighborhoods that the State Planning Office seeks to encourage in the state by accepting the master plan.

My other question when this came forward was, does this master plan for the state facilities fit into or agree with the City of Augusta's comprehensive plan? They didn't know whether that was true or not. In case you didn't know, there is not, at this point, an official approved comprehensive plan for the City of Augusta. I would encourage you to vote against the current motion. Mr. Speaker, I would request the yeas and nays. Thank you.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 Augusta, Representative Madore.

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to address a few of the concerns that were just raised to you by the good Representative. As far as the City of Augusta's role in this, the City of Augusta was at the table for the master plan through the entire thing. The city manager was a member of the committee, as was the chair of the planning board. Members of the city council were also members of the committee and those who were not appointed actually sat in the audience sat in the audience and took part in that was, as was myself and several members of this body and the other body. To say that there was no one at the table on behalf of the city really was false.

This plan is a twenty-year plan. Every time there is a project that comes before the city, as it relates to one of state planning issues, for instance, the building across the street, which has had a great deal of debate, they have to come individually before this body and the committees of jurisdiction. There is no way

that this project can go forward in any way, shape or form without individually being addressed each time before the Legislature in the form of a public hearing as well as before the City of Augusta. I urge you to support this. I know that several of my colleagues are going to be speaking to this issue as well. I don't want to take too much time. This is a wonderful plan. The City of Augusta will benefit as well as the state. I urge you to support it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative McDonough.

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. Amen.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate words that were spoken on behalf of the neighborhoods in the City of Augusta. Specifically the neighborhoods that have been most vocal are indeed those in my district. I have heard the calls. I am not on the master plan committee, although I have attended several of the hearings. I, more than anyone, am extremely concerned about neighborhoods. Neighborhoods and the sanctity of our neighborhoods and neighborhood schools is something that I not only campaigned on, but I lived by that. I have to say that I am very concerned anytime anything looks like it is going to encroach into our neighborhoods. I will also say that having expressed my concern throughout this process several times, I feel quite confident from the administration, Janet Waldren and others, that I feel that they have bent over backwards to work with us. I feel very comfortable that each time a piece of this master plan is to go forward, which all this does, as you can see, it is a conceptual plan, each time that there is a portion, whether it be a parking garage or whatever it may be, there will not only be a public hearing in this body, but as important and probably more important to me is there will be a public meeting in the Augusta area and the neighborhoods that the project will or may impact. I have been assured that there would be a traffic impact study done on each project. I feel comfortable with going on with it. It is just conception and we will take on each project as it goes. I feel that my neighbors are comfortable with that. Several have asked and will be put on this planning commission so they could have an absolute direct say in the process. 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 Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 141

YEA - Annis, Ash, Bagley, 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, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse,

Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Cressey, Duprey, Kasprzak, Mendros.

ABSENT - Andrews, Bliss, Buck, Cowger, Daigle, Marrache, Matthews, Mayo, O'Brien LL, Richard, Skoglund, Stedman.

Yes, 135; No, 4; Absent, 12; Excused, 0.

135 having voted in the affirmative and 4 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **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** in concurrence.

HOUSE DIVIDED REPORT – Majority (12) **Ought Not to Pass** – Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-289)** – Committee on **TRANSPORTATION** on Resolve, to Restore the Steel Bridge in New Sharon

(H.P. 626) (L.D. 826)

**TABLED** – May 4, 2001 (Till Later Today) by Representative **FISHER** of Brewer.

**PENDING** – Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise today as the lonely one on the Minority Report, but we have had a lot of further information and development on this issue since the committee heard the testimony from the citizens of New Sharon. The biggest problem to the committee with the bill was the fiscal note, which we all know how fiscal notes go around here, if we want to do it, they are good, but if not, they are bad. I know I am not supposed to go forward, but I am going to anyway until the speaker stops me. If we go with my amendment, there would be no fiscal impact. I think everybody would be happy with it. I urge you to follow my light and to give the citizens of New Sharon a chance to add the bridge to the historic list in Maine. I have a soft spot in my heart for history. I love to preserve it. There will be no fiscal impact to this. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First of all, I want to compliment my good friend from Eliot on his subtle introduction of an amendment before its time. The New Sharon Bridge issue was brought to us about a month ago. There was great testimony from a good number of folks in the New Sharon area to try and keep this bridge alive by putting \$1.2 million into repairing it. It would have been a great idea, but it is a redundant bridge. There is a new bridge slightly more than 100 yards down the road from it. We have enough problems funding our roads and bridges that need desperate work. Roads and bridges that are not redundant and roads and bridges that are unsafe for all of the people here in the State of Maine. We really can't afford to rebuild this redundant bridge.

To take care of any future references to restoring this bridge, putting this bridge on a registry, let me suggest to you, I swore for seven years that I would never use this expression, we are beginning a slippery slope. If we get it on the registry two years from now, it comes back and we are going to use that argument for spending a lot of money on a bridge that really isn't necessary. As much as I hate to say it, I would ask you not to

support an Ought to Pass on this. Follow the 12 to 1 committee report and remember the three Senator rule and I will try to never say that again.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Just to clarify what my good friend, Representative Fisher from Brewer said, the fiscal impact would be totally stripped off. The \$1.2 million, which was quite a figure, will not even appear if this bridge is put on the historic list. That is all that the people of New Sharon would like, is no fiscal impact whatsoever, if we can move forward. Every biennium we have to vote on issues and items that we want to pass if somebody brings legislation back in two years to repair the bridge, so be it. That legislative body will have the chance to vote it up or down. As of right now, we are not voting on a money issue, just a historic issue. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. May I remind you all of the elephant's nose under the tent.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. Just a brief history on the bridge in New Sharon. The bridge is a 268 foot suspension with two steel cords. It is a one of a kind in the State of Maine. It is a major bridge. It was built in 1916. The bridge replaced a covered bridge and unfortunately we are not talking about replacing a covered bridge today. This bridge has very much historic significance in the State of Maine. It is a replica of the last century, the 20th Century. It was built for the people of New Sharon. It was between the town office, the post office and the school system. As the years progressed in 1957, a new bridge was built 100 yards down stream from this bridge. This new bridge, DOT claims is a redundant bridge. It is not a redundant bridge. The new bridge has cost the life one selectman in the Town of New Sharon. It almost cost the life of the fire chief. It is very difficult for the people of New Sharon to get from the Town Office to the post office without having to go out on Route 2 and across the new bridge. It is very hazardous for the people of New Sharon.

The old bridge, the bridge we are talking about, was used up until 1968. Under Title 23, the DOT was responsible for maintaining major bridges, even if they were on a town way, unfortunately the money wasn't there to maintain this bridge. The people of New Sharon did use this bridge until 1998 when the DOT closed the bridge down. It is being used now by the snowmobile people, pedestrians who don't dare to walk across the new bridge and bicyclists. The emergency people in New Sharon said they put their small fire truck across this bridge in the event the new bridge was tied up as it was during one of the major accidents.

Not to belabor it, I ask you to support the Minority Report on this and designate this bridge a historic bridge, because it is. It is a one of a kind for the State of Maine. It is a beautiful bridge. With that, I will sit down.

Representative **WHEELER** of Eliot **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 Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I have received calls from people in New Sharon, local selectmen, I know where the bridge is. I really believe here this afternoon after listening to remarks on a serious matter that I consider frivolous and no place in our business here that we are sometimes too late in recognizing the value of items that should be retained for future generations, but in the communication that I have received, I found here this afternoon in the explanations by the Representatives that it is an issue of safety. I believe we should really consider and not turn our backs on local needs, true needs, from people in the small towns in the State of Maine. 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. 142**

YEA - Bagley, Baker, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Canavan, Carr, Chizmar, Collins, Colwell, Cote, Crabtree, Dudley, Duprey, Etnier, Fisher, Foster, Fuller, Glynn, Green, Honey, Hutton, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, MacDougall, Madore, Mailhot, Marley, McDonough, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Peavey, Perkins, Perry, Povich, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Ash, Berry RL, Brooks, Bryant, Chase, Chick, Clark, Clough, Cressey, Cummings, Davis, Desmond, Dorr, Dugay, Dunlap, Duplessie, Estes, Gagne, Gerzofsky, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Jacobs, Jodrey, Jones, Landry, Lessard, Lovett, McGlocklin, McGowan, Mendros, Michael, Morrison, Murphy E, Murphy T, Patrick, Pineau, Quint, Richard, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Tracy, Trahan, Tuttle, Twomey, Volenik, Wheeler GJ.

ABSENT - Bliss, Buck, Cowger, Daigle, Duncan, Goodwin, Marrache, Matthews, Mayo, O'Brien LL, Pinkham, Stedman, Watson.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-239)** - Minority (1) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Fees and to Require the Inspection of Brake Friction Material"

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

TABLED - May 2, 2001 (Till Later Today) by Representative FISHER of Brewer.

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

Representative WHEELER of Eliot **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 Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. First a disclaimer, I think many of you people know that I own and operate an automotive service business. As part of that business, we do state safety inspection. I just wanted you to know that. This legislation was brought forward on behalf of the 10,000 or so men and women who have the awesome responsibility of making sure your car is safe to drive. Most of these people take their responsibilities very seriously because they know that your life and the life of others on the road depend on their experience and their judgment. It is somewhat distressing to them that the State of Maine seems to put such little value on their responsibility and their experience.

This bill would change the fee structure for safety inspection. In order to fully understand the bill, one needs to look at the almost unanimous 12 to 1 committee report. It changes the bill. I would urge you not to be confused by the language that only refers to Cumberland County. There are some extra fees for Cumberland County because of the emission test that is done there. That doesn't change. For the purpose of this discussion, we are only talking about safety inspection.

Maine was one of the first states in the country to require automobiles to be inspected. In 1939, the fee was 50 cents. It was probably a good number in those days. Today it is \$6.50. Part of which goes to the state. In 1973, the fee was \$2. At the time, the best mechanic in town, your town or my town, could be hired for \$3 an hour. The fee was adequate in those days. It started losing ground in the '80s and is in the sorry state that you see it today. Inspection stations haven't had a real increase since 1983 when it went from \$3 to \$5. This needs to change. In order to do any different is to continue to have private business subsidize the state's inspection program. There is no other entity in the state that is required to offer a subsidy like this.

In closing, I would like to leave you with this thought. The price that inspection stations charge for the safety inspection is not a tax. It is important, if you are like me and you hate voting for tax increases. As a matter of fact, if you look closely at the bill or the amendment, it repeals the state mandated fee. In its place is a cap. The service providers can set their own price up to a cap of \$12.50. When one gets their car inspected, they don't go to a bureaucrat, they don't go to a government agency, they go to the corner garage down the street. They put it on the lift. They give it an inspection and using their skill and judgment they decide whether or not that car is safe to drive for another year. The fee that you pay is for the services rendered. If the car passes inspection, the sticker is free. What you pay for is the services rendered. Most people would say it is a valuable service indeed and I urge you to accept this report. Thank you.

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

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

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

Representative **CLARK**: Mr. Speaker, Men and Women of the House. For anyone that might answer, if an inspection is failed and that garage fails the inspection and they have to put parts on that vehicle to make the inspection, do they also double dip and do they also get the \$6.50 plus parts and labor for fixing that automobile?

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I would choose to answer that question. If I went to a car garage and my car failed, I could choose to have that garage repair my car or I could have another garage repair my car or I could have another garage repair that car and get different prices on it. You are not obligated to pay stay at that car garage.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I also am in favor of LD 645. Over the weekend I polled the three service stations in Frenchville. All of them are enthusiastically in favor. One of them said, it is about time. I remember when the inspection fee was \$2. One of the mechanics in one of those service stations said that they will inspect for \$2. That is exactly the point. A reasonable rate would not only meet some of the costs of the people doing the inspection, it would lead to better inspection. I think that the area you market will decide what the going rate is going to be. I suspect it will be higher in southern Maine than in northern Maine. The price inspection should at least allow the station to break even on the time spent. LD 645 gets them closer to that goal. I would urge you to support the Majority Ought to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Ash.

Representative **ASH**: Mr. Speaker, Men and Women of the House. I also own a repair facility and I am a licensed inspection mechanic. I do automobiles and large trucks. We have to have a little reality here. If you want, in the name of safety, to have automobiles inspected, you ought to increase the fee, because in reality, an inspection mechanic, it takes 20 minutes to a half hour to inspect a vehicle. You really can't do a complete inspection for the amount of money we are charging. If you have a man that you are paying anywhere from \$14 to \$20 an hour and you spend a half an hour, figure it out. In today's time with the energy shortage and everything, on my shop I have two doors that are 14 x 16, you open them up in subzero weather, you figure it out. You have lost the heat. It just makes common sense to increase it. Actually the \$12.50 isn't enough if you want to get right down to it. There again, if you want to do it in safety, I suggest that this fee be increased. If you don't want to increase the fee, then do away with the inspections entirely, because you are not getting a good job out of it. It is just not happening. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Like the speaker before me, I would like a little reality check as well. I have never spent 15 or 20 minutes to get an inspection. In fact, the longest it ever took any mechanic I ever went to was the amount of time he spent scraping the old sticker off and putting the new one on. The reality is when I go to VIP or NAPA to buy a new headlight for my car it costs me a few

dollars. When I go to a mechanic to have them put it on, it costs me about \$45 or \$50. The reality is nobody is requiring these stations to do inspections in the first place. If they don't like the fee they are being paid, they don't have to do it. I think their prices are far too inflated as it is. I don't want to go down this road, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Ladies and Gentlemen of the House. To the previous speaker, I would suggest if you are getting a scrape off, slap on inspection, you probably ought to go someplace else. I would like you to take a look over there at the speaker before him, the gentleman from Belfast, there you are seeing a gentleman who is one of the endangered species, a gentleman who services cars, your neighborhood automobile service man. They are not around anymore. That little corner gas station that you used to be able to go to get your car inspected, get a grease job and oil change, it is not there anymore. They may be pumping gas, but they are selling slurpies. Do you want to keep that neighborhood guy, the fella you go to day in and day out, the one you can trust to tell you that your brake lights aren't working or that your car needs to be replaced or that you need a new muffler, then you better support this bill because there are going to be less and less service stations on the corner doing this kind of work. You are going to end up at the box store where you have a service writer who is under pressure to write as many tire jobs, muffler jobs and front end alignments, things that most of us know little about. Do you go to the neighborhood guy you trust or do you go to somebody with whom you are just a number and perhaps just another service contract? I would support the bill.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I truly think that this bill will hurt my constituents. My constituents don't have new cars. I am not saying that I don't want them to be safe, but sometimes they get to that garage and they sweat it because they don't know how they are going to pay for certain things. I saw a piece of paper where the cap was more than \$12 to pay for it. It could go up higher. I don't want to go back home where I hear enough about it now. I remember there was a plug in the tire that we did away with because it was a safety issue. My husband did that work for all his life for 34 years. He said, "Why in the world did they do that. It was safe to plug that tire the way it was. I have seen hundreds and hundreds of cars and no tire ever exploded. It was to make more money." I truly believe that this is not going to help my constituents. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House and yes, even the constituents of my fellow legislator from Biddeford. If I were to go on vacation someplace and I am going to take my car, I am going to make sure that that car is going to get me from point A to point B, wherever I am going. Therefore, I take it to my neighborhood garage to have it inspected. They will do, at that time, exactly what an inspection station is required to do for the state safety inspection. I am sure that I will be paying more than \$6.50 for that inspection, getting a grease job, oil, making sure that all of the belts are proper and they are not frayed, etc. Therefore, I would have to say that even the constituents of Representative Twomey, if they are going on vacation, they are going to be paying that price as well. I have been on the Transportation Committee for the past seven years and this issue has come up in front of our committee time and time again. I was one that would not approve of a rate increase

the way it was presented before. It is a state inspection and therefore everybody in the state should be paying the same price. I did not sign onto this bill until such time as there was a cap put onto it so that stations wouldn't be able to charge more than a certain fee. One of the things that are supposed to happen, I don't believe it ever will, but if you are a steady customer of a garage and you don't have the money for the safety inspection or what have you, if that garage mechanic wants to give it to you for free, then he will be able to do that because it is a fee up to \$12.50 and not a fee of exactly that. When they suggested a cap be put on, that is when I said that as long as a cap is reasonable and it won't go above a certain price, I figured that was right. I don't know what the constituents of my good friend, Representative Twomey pay, but in Lewiston the average cost of a mechanic doing work on your car is \$38 an hour. Half of \$38 an hour is \$19. Am I right? Yes, which is higher than the \$12.50 that is asked for in this bill. It is time that the mechanics who do the safety inspection, by the way, the National Transportation Board has shown that the states that do have car inspections, there are less accidents that occur. It is time that we face the reality that we are no longer in the 1930s and we should be supporting these garage doctors. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Those of you have known me for a few years are probably familiar with the types of vehicles that I have traditionally driven. The last vehicle I had before the good deals on used vehicles that I currently drive was a 1983 GMC, Chevrolet, Ford. It had manifolds from a 1968 Camero. It was a pretty good old rig. I paid \$2,000 for it, which was only slightly greater than the entire sum of the totals I paid for every other vehicle that I had ever owned together. I have owned some pretty trashy vehicles in my time. I owned a '78 Ford Pinto, '78 Fiat Super Brava, '80 Honda and an '84 Subaru. Most of these were old enough to be in high school when I owned them. I tell you all this, not to illustrate how frugal I am in buying pretty antiquated cars that are wheezing their last breath and I can tell you some pretty comical stories.

The day I was sworn into this chamber in 1996, I was the last one out of the building. It was the first day I had driven the circa 1983 Chevy, GMC, Ford. I had picked up my mother at the garage, the parking garage over here, and driving through the garage was kind of dark. It was a rainy day and I turned on the headlights and never turned them off. It never dawned on me that when I got into the truck, which is parked way on the other side of DHS, that the dome light didn't come on. Thank goodness one of the Capitol Security guys gave me a jump start. It took them a half an hour to charge the battery for the engine to turn over. There are a lot of stories I could tell like that, but the fact of the matter is that one of the ways I kept those vehicles running as reliably as they could was that I had some friends who were mechanics in Old Town. They were magicians. If you look at the vehicles I drove, the fact that they started every single day, regardless of the weather, because they took good care of them for me. I trusted these guys. The greatest compliment I think I have ever gotten is, being mechanically inept as I am, that I tended to take good care of my vehicles. I heard that from one of my mechanics.

I went in every year for the inspection. The inspection was really sort of the hazard check for me because I never knew from month to month whether or not these things were going to keep running. I go in for the inspection every year and my guys at Jackson Service Center in Old Town would put it up on the lift. They would say that you need some more bushings on your ball joints and it would cost me \$20 and they would take good care of

it for me. They never ripped me off. They always treated me fairly. They helped me keep my vehicles safe and on the road. I only broke down one time with that big old truck where I had to get a tow truck.

I think about what this bill is trying to do. A couple years ago on the Fish and Wildlife Committee we had some similar legislation dealing with license agent fees and the same situation where they are processing these forms for the state and they weren't getting enough. They were getting \$1. It wasn't very much money. It didn't cover the cost of their postage to mail the licenses back. I think certainly if you think about going to those mom and pop garages that my good friend from Brewer, Representative Fisher, outlined, in my experiences I have alluded to it here. If you think about some of the chair stores where you go to get your oil changed and you drink the free coffee and they are always bringing you your air filter, they bring you the dipstick from your transmission fluid. They are trying to get you to do 10 things that are going to cost you \$150 and most people don't know that you really don't need to get your transmission fluid changed all the time every time you get your oil changed. It is a \$50 operation and that is what they are trying to do. They are trying to get you to buy stuff that you don't need.

My good friend from South Portland, Representative Muse, if he is having trouble with his local garages, I would certainly encourage him to come find the better deals in Old Town. Thank you very much.

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

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. This debate has gone on for a long period of time. It has gone on longer than I anticipated. I am a member of the Transportation Committee. I feel obligated to give my point of view on this. The inspection station who does the auto inspection finally now is going to get a \$5 increase. I think this is a public safety issue. Maybe now they will do a little more comprehensive inspection of the vehicle since they are getting \$10 instead of \$5. On the other public safety aspect of this, the State Police will now get an additional \$1 per vehicle. It has been told to me by the State Police that this dollar will be dedicated to upgrading their computers in their police vehicles, enabling them to have more information about a vehicle they pull over and the operator of that same vehicle. It will help them so far as submitting reports. It will do it through this computer in their vehicles. It is a win, win situation we have got here. If the inspection station chooses not to charge for the auto inspection, that is his or her privilege. If they want to use it as a loss leader to gain new customers, come to my service station and I will do the auto inspection free, this bill will enable the operator of that station to do that very thing, up to a ceiling of \$12.50. Here again, it is a win, win situation. It is for public safety on two fronts as I outlined earlier and the service station can charge absolutely nothing for it if he or her so chooses. 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, Ladies and Gentlemen of the House. I am curious exactly what the cap is, if it varies throughout the state and if we have a list of nay of those mechanics who offered to do the inspection for free?

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 Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. The last part of the question first, this bill would allow auto shops to do this test free. I would invite the Representative from South Portland over to have his car inspected for free because it sounds to me like it might be dangerous the way that he has it inspected.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House. A couple of the proponents at least have said that the garages are losing money now and have been at this \$6.50 rate. Could one of those people or someone else tell me why they do this then?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. Many of the mechanics indicated that they did it because they wanted to keep their better customers that came back to them often. Many indicated that they hoped at some point that we would go on into this century and update the fees. I would also like to answer Representative Muse's question about the cap. There is a limit of \$12.50, which may be charged to the customer. Of that \$12.50, \$2.50 must go to the State of Maine, of which \$1 of the \$2.50 will go to the State Police. It will improve the communications systems in the police vehicles, especially those in southern Maine where they get interference from New Hampshire. I would also just like to tell you that in New Jersey the state runs their own inspection stations, which cost them, according to the sergeant at the State Police here, millions of dollars to run it. They have very few stations. They allow people if you do not want to wait at a state inspection station, to go to a private garage, which charges a tune of \$30 to \$50 for a car inspection. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. To anyone who would like to answer this, is it true that in Cumberland County and in York County, because of the emission requirements on older vehicles, the cap could be up to \$18.50.

The SPEAKER: The Representative from Biddeford, Representative Twomey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. There is no emission testing in York County. There is only an emission test in Cumberland County. As I stated before, that doesn't change. People in Cumberland County need to pay more for the emission test, which is actually a separate test. The only thing in common is it is done at the same time. Depending on the age of the car, there is an extra

charge for that. That was passed by the 118th Legislature. You will have to blame that on them I guess.

The SPEAKER: The Chair recognizes the Representative from Levant, Representative Chase.

Representative **CHASE**: Mr. Speaker, Ladies and Gentlemen of the House. The cap situation and the variable costs posed is a bit of a problem for some folks in my district. There are several one or two person garages with no secretary and several of these types of garages in a relatively small geographical area, their concern is that a number of people before they get their inspection, there is not a set fee, a number of people are going to be calling on the telephone to find out what the fee is and they will call around to different garages to check on the fee. They are going to be getting in and out from under the automobile quite frequently to answer the telephone. That is a concern that I have heard. They don't object to an increase in the fee, but they would like it to be standard throughout.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Ash.

Representative **ASH**: Mr. Speaker, Men and Women of the House. I would also like to invite the Representative from South Portland up to my shop for an inspection sticker. I believe that he should go somewhere to get one if he is getting a sticker the way he says he is. In regards to free inspections, our shop and every shop that I can think of in the Belfast area, does do free inspections. We have. We are entitled to charge the customer if he comes into our shop and his automobile does not pass. We are entitled to charge him the \$6.50. What we do is we tell him what his problem is, offer to fix it and if he doesn't want us to take care of it, we send him off somewhere else. We don't charge him for that inspection. He comes back. We look his repair over and we do an inspection and that is when we charge the customer. I don't understand the line of thinking here when you say \$6.50, which the inspection mechanic gets \$5 is a burden on the community. If you want to, in the name of safety, have cars inspected, I will say it one more time, you want to give the mechanic the opportunity to put the good mechanics on this if they are paying \$14 to \$20 an hour for to inspect that automobile. If you don't want to have a car inspected, if you want to do away with inspections, do away with inspections. 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. 143

YEA - Andrews, Annis, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, MacDougall, Madore, Marley, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Canavan, Chase, Duplessie, Gerzofsky, Hawes, Lundeen, Mailhot, McDonough, Michael, Norton, Peavey, Quint, Rines, Simpson, Twomey, Usher, Wheeler GJ.

ABSENT - Ash, Bagley, Bliss, Buck, Cowger, Daigle, Duncan, Gagne, Marrache, Matthews, Mayo, O'Brien LL, Perkins, Pinkham, Richardson, Stedman.

Yes, 118; No, 17; Absent, 16; Excused, 0.

118 having voted in the affirmative and 17 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-239)** 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-239)** and sent for concurrence.

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

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An Act Providing for Enhancements to the Maine Seed Capital Tax Credit Program

(H.P. 974) (L.D. 1298)

(C. "A" H-217)

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

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative GREEN of Monmouth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-217)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-358)** to **Committee Amendment "A" (H-217)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-217) as Amended by House Amendment "A" (H-358)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-217) as Amended by House Amendment "A" (H-358)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

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

TABLED - May 8, 2001 (Till Later Today) by Representative BRUNO of Raymond.

PENDING - **PASSAGE TO BE ENACTED**. (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. When this issue was last before this body, I had asked several questions regarding the bonded indebtedness of the University of Maine and what was going to be accomplished by the preposition that is in front of us. I went and I did the research and I looked into it. It turns out the bonded ceiling for the University of Maine System in 1987 was \$18 million. The Legislature raised it in 1991 to \$27 million and very recently in 1997, the bonded debt ceiling was raised to \$100 million. We are currently looking at this proposal in 2001 of raising it from the \$100 million cap to \$150 million cap.

What is this bonded debt? It is a revolving debt loan that the University of Maine System can incur. It doesn't require voter approval like the other bonds that we look at. Additionally, what has the University of Maine System done with their credit card? Currently, they have charged up \$80 million in debt. There is a remaining \$20 million that has been authorized, but not issued. They have charged it to the maximum.

What I see is a debt problem. Sitting on the Banking and Insurance Committee, I get an opportunity to speak with lots of constituents of mine and of yours that have debt problems and come forward with complaints to the consumer crediting agencies for assistance. I can tell you that the number one thing that they tell you is to cut up your credit card when you have over charged. They don't say go get more debt because you are having trouble paying your bills. I think the same is for the government. We have to be more thoughtful about the debt that we incur and that we are planning to take on. I don't believe that the solution to the University of Maine's debt problems is issuing a higher credit limit. I think that the solution is that they need to start paying down their bonds. When they pay down their bonds, they will have more borrowing capacity. I will be voting against this measure, I urge you to do the same.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think there is some misunderstanding about this particular proposal before us. This is the legislation put forward, if you look at it by the President Pro Tem of the other body concerning the debt ceiling of the university. The \$100 million debt ceiling, which was authorized a couple of legislatures ago and the additional \$50 million to increase that cap is part of the process as established in the 118th Legislature by the Research and Development Committee, which was then a Joint Select Committee. This was put together as part of that particular plan and is a long-term plan and there is a certain understanding that went into that plan that at the time the \$100 million, which was authorized at the time was to be used for this purpose in terms of research and development across the State of Maine through the University System, most specifically the University of Maine in Orono, the Flag Ship Campus and also the University of Southern Maine. The idea was to improve capital construction and improvements at the campuses basically for an overall improvement in the state position in its R & D capacity. It was then authorized to use that current capacity, which is \$100 million with the understanding that once the projects had gotten underway the University System would have to come back for additional bonding capacity.

The current proposal that is before you is the Research and Development Committees plan. This was the plan that was put forward by the R & D Committee in the 118th Legislature. It has no relation to the operating costs of the University of Maine System. It has no relation to the future plans of the university for infrastructure development, with the sole exception of the

research and development capacities as authorized by the Maine State Legislature. The \$80 million that has been bonded was one of the questions that the good Representative from South Portland put forward, was what was the bonded indebtedness. It was \$80 million and \$13 million. It has been approved, which has not yet been bonded out by the board of trustees under this current law. I would urge my colleagues to vote for enactment. This is good for the future of the State of Maine. That was the entire premise of the Research and Development Committee initiative. It is certainly an investment in our future. Many companies have already been started as spurs of this particular initiative and existing companies have benefited across the state. I think that it is a good investment for the future. Thank you Mr. Speaker.

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

**ROLL CALL NO. 144**

YEA - Andrews, Annis, Ash, Baker, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Winsor, Young, Mr. Speaker.

NAY - Bowles, Bruno, Clough, Collins, Cressey, Duprey, Glynn, Goodwin, Haskell, Kasprzak, Landry, MacDougall, McKenney, Michael, Morrison, Murphy T, O'Brien JA, Sherman, Shields, Snowe-Mello, Treadwell, Waterhouse.

ABSENT - Bagley, Belanger, Bliss, Buck, Cowger, Daigle, Duncan, Gagne, Marrache, Matthews, Mayo, O'Brien LL, Pinkham, Richardson, Stedman, Thomas, Weston, Wheeler EM, Wheeler GJ.

Yes, 110; No, 22; Absent, 19; Excused, 0.

110 having voted in the affirmative and 22 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)** on Bill "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers"

(H.P. 540) (L.D. 695)

Signed:  
Senators:

GOLDTHWAIT of Hancock  
CATHCART of Penobscot  
MILLS of Somerset

Representatives:

BERRY of Livermore  
MAILHOT of Lewiston  
TESSIER of Fairfield  
BRANNIGAN of Portland  
ETNIER of Harpswell  
JONES of Greenville  
NASS of Acton  
BELANGER of Caribou  
ROSEN of Bucksport

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

Signed:

Representative:

WINSOR of Norway

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-374)** 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-374)** and sent for concurrence.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)** on Bill "An Act to Update the Maine Consumer Credit Code Regarding Rental-purchase Agreements"

(H.P. 877) (L.D. 1156)

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland  
MICHAEL of Auburn  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHÉ of Waterville  
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-369)** on same Bill.

Signed:

Representative:

SMITH of Van Buren

**READ.**

On motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-368)** 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-368)** and sent for concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)** on Bill "An Act to Ensure Access to Health Insurance"

(H.P. 1256) (L.D. 1703)

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:

Representatives:

MICHAEL of Auburn  
GLYNN of South Portland

**READ.**

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)** on Bill "An Act to Increase the Forest Management Planning Income Tax Credit"

(H.P. 306) (L.D. 384)

Signed:

Senators:

GAGNON of Kennebec  
LEMONT of York  
KNEELAND of Aroostook

Representatives:

GREEN of Monmouth  
STANLEY of Medway  
GAGNE of Buckfield  
PERRY of Bangor  
McLAUGHLIN of Cape Elizabeth  
BUCK of Yarmouth  
BUMPS of China  
BOWLES of Sanford  
MURPHY of Berwick

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

Signed:

Representative:

McGOWAN of Pittsfield

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-359)** 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-359)** and sent for concurrence.

**Ought to Pass Pursuant to Joint Order**

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System"

(H.P. 1342) (L.D. 1796)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1240)

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on May 8, 2001.

Came from the Senate **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act Regarding Nursery School Rules"

(S.P. 291) (L.D. 1002)

Signed:

Senators:

LONGLEY of Waldo  
TURNER of Cumberland  
MARTIN of Aroostook

Representatives:

FULLER of Manchester  
BROOKS of Winterport  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
KANE of Saco  
SHIELDS of Auburn  
NUTTING of Oakland  
DUGAY of Cherryfield

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

Signed:

Representative:

O'BRIEN of Augusta

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

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

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#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)** on Resolve, Establishing a Commission to Examine the Fisheries Division of the Department of Inland Fisheries and Wildlife

(S.P. 401) (L.D. 1317)

Signed:

Senators:

CARPENTER of York

KILKELLY of Lincoln

WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town

TRAHAN of Waldoboro

CLARK of Millinocket

HONEY of Boothbay

USHER of Westbrook

PERKINS of Penobscot

TRACY of Rome

McGLOCKLIN of Embden

BRYANT of Dixfield

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

Signed:

Representative:

CHICK of Lebanon

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163)**.

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-163)** was **READ** by the Clerk and **ADOPTED**.

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 as Amended by Committee Amendment "A" (S-163)** in concurrence.

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

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##### Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Allow Families to Request Flags for Deceased Police Officers and Firefighters that have not Died in the Line of Duty"

(S.P. 364) (L.D. 1202)

Signed:

Senators:

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

COTE of Lewiston

TUTTLE of Sanford

O'BRIEN of Lewiston

HEIDRICH of Oxford

PATRICK of Rumford

DUNCAN of Presque Isle

MAYO of Bath

ESTES of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

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

**READ.**

Representative TUTTLE of Sanford 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.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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##### Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act Concerning Private Line Extensions Provided by Central Maine Power Company"

(S.P. 312) (L.D. 1059)

Signed:

Senators:

FERGUSON of Oxford

TREAT of Kennebec

CARPENTER of York

Representatives:

SAVAGE of Buxton

RINES of Wiscasset

PERKINS of Penobscot

BERRY of Belmont

McGLOCKLIN of Embden

DUNCAN of Presque Isle

BLISS of South Portland

HALL of Bristol

CRABTREE of Hope

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

Signed:



Representative:

GOODWIN of Pembroke

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

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

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

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On motion of Representative SHERMAN of Hodgdon, the House adjourned at 6:11 p.m., until 9:00 a.m., Thursday, May 10, 2001.