

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
47th Legislative Day
Thursday, May 10, 2001

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

Prayer by Reverend Harold Grove, Milford Congregational Church.

National Anthem by Erskine Academy A Cappella Choir, South China.

Pledge of Allegiance.

Doctor of the day, Thomas Hayward, M.D., East Corinth.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 248)

STATE OF MAINE

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

May 5, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 1379 An Act to Define "Agriculture" in the Laws Establishing the Department of Agriculture, Food and Rural Resources

L.D. 1547 An Act to Amend the Animal Welfare Laws

L.D. 1589 An Act to Define "Operated" in Relation to Commercial Large Game Shooting Areas

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

Sincerely,

S/Sen. Richard Kneeland

Senate Chair

S/Rep. Linda Rogers McKee

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 249)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 5, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 608 An Act to Provide Heating Fuel Assistance to the Elderly

L.D. 1756 An Act to Improve Services for Children with Autism

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

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 250)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 5, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 150 An Act to Provide Equal Access for Meeting the Needs of Students at Public Institutions of Higher Education

L.D. 567 An Act to Financially Reward Maine Teachers Who Earn Certification from the National Board for Professional Teaching Standards

L.D. 1359 An Act to Ensure Safe and Healthy Schools
L.D. 1360 Resolve, to Establish a Task Force to Study Improving Economic Opportunities for Maine People Through Higher Education Attainment

L.D. 1656 An Act to Simplify and Reform the School Funding Formula

L.D. 1675 Resolve, to Facilitate Attracting and Retaining a High Quality Work Force at the University of Maine System

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

Sincerely,

S/Sen. Betty Lou Mitchell

Senate Chair

S/Rep. Shirley K. Richard

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 251)

STATE OF MAINE

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

May 5, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 247 An Act to Expand Access to Prescription Drugs with a State Toll-free Number
- L.D. 1093 An Act to Expand the Use of Tobacco Settlement Funds to Support Existing School-based Health Centers
- L.D. 1542 An Act to Create the Prescription Assistance Program

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

Sincerely,
S/Sen. Susan W. Longley
Senate Chair
S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 252)

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

May 5, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 62 An Act to Create a Uniform Standard Governing Legislative Leaves of Absence
- L.D. 911 An Act to Expand the Catch-up Provisions of the Deferred Compensation Plan for State Employees
- L.D. 962 Resolve, Establishing a Minimum Pay Grade Increase for State Police Officers
- L.D. 1246 An Act to Increase the Penalty for a Violation of Certain Occupational Health and Labor Laws
- L.D. 1326 An Act to Support Continued Operation of the Workers' Compensation Board

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 253)

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

May 5, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 88 Resolve, Authorizing Zelma Rudge to Sue the State
- L.D. 729 An Act to Amend the Laws Governing Presidential Primaries
- L.D. 1106 An Act to Bring Parity to the Candidate Signature Requirement
- L.D. 1518 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Direct Initiative of Legislation
- L.D. 1715 An Act Relating to Video Gaming Machines

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 254)

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

May 5, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 1096 An Act to Amend the Public Property Tax Exemption
- L.D. 1108 An Act Regarding the Assessment and Collection of Real Estate Property Taxes
- L.D. 1381 An Act to Extend the Homestead Property Tax Exemption to Persons Living in Cooperative Housing
- L.D. 1441 An Act to Provide Private Landowners Incentives for Conservation and Public Access

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 267)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

May 9, 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 Minority Ought Not To Pass Report from the Committee on Utilities and Energy on Bill, "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission." (H.P. 996) (L.D. 1333)

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 268)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

May 9, 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 Legal and Veterans Affairs on Bill, "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee." (H.P. 248) (L.D. 284)

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

UTILITIES AND ENERGY

Bill "An Act to Amend the Charter of the Buckfield Village Corporation" (EMERGENCY)

(H.P. 1343) (L.D. 1798)

Presented by Representative GAGNE of Buckfield.
Cosponsored by Senator FERGUSON of Oxford and Representatives: HEIDRICH of Oxford, McLAUGHLIN of Cape Elizabeth, VOLENIK of Brooklin, WINSOR of Norway.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 29)

ORDERED, that Representative Mary Black Andrews of York be excused Thursday, May 3rd and Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Martha A. Bagley of Machias be excused Tuesday, May 8th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christina L. Baker of Bangor be excused Thursday, May 3rd and Friday, May 4th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lawrence Bliss of South Portland be excused Wednesday, May 2nd, Friday, May 4th, Monday, May 7th, Tuesday, May 8th and Wednesday, May 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard A. Crabtree of Hope be excused Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. McDonough of Portland be excused Thursday, May 3rd and Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William J. Schneider of Durham be excused Thursday, April 26th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused Thursday, May 3rd and Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joanne T. Twomey of Biddeford be excused Friday, May 4th for personal reasons.

READ and PASSED.

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. 1305) (L.D. 1769) Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1330) Joint Study Committee to Study Growth Management Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 304) (L.D. 382) Bill "An Act to Reauthorize and Expand the Lobster Promotion Council" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-390)**

(H.P. 570) (L.D. 725) Bill "An Act to Maintain Maine Quality Centers' Current Level of Services" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)**

(H.P. 1070) (L.D. 1433) Bill "An Act to Renew the New Century Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)**

(H.P. 1096) (L.D. 1465) Bill "An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer or Firefighter Killed in the Line of Duty" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-384)**

(H.P. 1201) (L.D. 1623) Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)**

(H.P. 1268) (L.D. 1726) Bill "An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)**

(H.P. 1277) (L.D. 1737) Bill "An Act to Amend the Forester Licensing Law" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-396)**

(H.P. 1278) (L.D. 1738) Bill "An Act to Clarify Certain Professional and Occupational Licensing Requirements" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-397)**

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

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

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

BILLS IN THE SECOND READING
House

Bill "An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System"

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

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

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

The same Representative presented **House Amendment "A" (H-406)**, which was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. As an explanatory note, this is a technical amendment, which adds a minor fiscal note to the bill, which as you have read, I am certain results in insignificant increases of general fund revenue from registration fees. This allows for a prorating of certain registration fees and that is what the bill did, or part of what the bill did, and this fiscal note simply clarifies that. Thank you.

House Amendment "A" (H-406) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Emergency Measure

An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike

(H.P. 478) (L.D. 618)

(H. "A" H-306 to C. "A" H-122)

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. 109 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing a Study of the Creation of a Fire and Emergency Services Academy

(S.P. 271) (L.D. 936)

(H. "A" H-295 to C. "A" S-74)

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. 101 voted in favor of the same and 20 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions

(H.P. 471) (L.D. 599)

(C. "A" H-198; H. "A" H-266)

An Act to Provide Equity in the Payment of Excise Tax on Leased Special Mobile Equipment

(H.P. 724) (L.D. 944)

(C. "A" H-305)

An Act to Amend the Maine Tort Claims Act

(H.P. 747) (L.D. 966)

(C. "A" H-279)

An Act Regarding Modified Show Vehicles

(H.P. 753) (L.D. 972)

(C. "A" H-304)

An Act to Authorize the Maine Indian Tribal-State Commission to Organize Assemblies of State and Tribal Leaders

(H.P. 879) (L.D. 1171)

(C. "A" H-284; H. "A" H-311)

An Act to Create Certainty in Maine's Air Quality Program

(H.P. 938) (L.D. 1252)

(C. "A" H-298)

An Act to Ensure the Financial Stability and Effectiveness of Certain Pollution Abatement Programs Administered by the Department of Environmental Protection

(H.P. 1011) (L.D. 1348)

(C. "A" H-300)

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

(H.P. 1039) (L.D. 1396)

An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites

(H.P. 1080) (L.D. 1449)

(C. "A" H-302)

An Act to Amend Certain Laws Regarding Land and Water Quality Protection

(H.P. 1108) (L.D. 1477)

(C. "A" H-314)

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

(H.P. 1225) (L.D. 1666)
(C. "A" H-316)

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

Resolves

Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns

(S.P. 199) (L.D. 671)
(C. "A" S-136)

Resolve, to Establish a Model Building Rehabilitation Code for the State

(H.P. 994) (L.D. 1331)
(C. "A" H-299)

Resolve, to Encourage State Monitoring and Management of Conservation Easements

(H.P. 1252) (L.D. 1700)
(C. "A" H-303)

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

An Act to Implement the Recommendations of the Task Force to Study Growth Management

(S.P. 380) (L.D. 1278)
(C. "A" S-139)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I beg your indulgence and I did take a quick look at this bill and the amendment and I still have some questions. I don't quite know what it is getting at. May I pose a question through the chair? I think it is very imperative that we all know what we are voting on so I would ask any member of the committee, any member of the body or the sponsors of this bill to please explain to the body what this bill does?

On motion of Representative KOFFMAN of Bar Harbor, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Resolve, to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth

(H.P. 457) (L.D. 578)
(C. "A" H-315)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 145

YEA - Annis, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Carr, Chase, Clough, Collins, Cressey, Duprey, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, McGlocklin, Michael, Morrison, Perkins, Pinkham, Snowe-Mello, Trahan, Treadwell, Waterhouse.

ABSENT - Buck, Clark, Cowger, Hawes, Mailhot, Mendros, Perry, Quint, Stedman, Thomas, Watson.

Yes, 116; No, 24; Absent, 11; Excused, 0.

116 having voted in the affirmative and 24 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Resolve, to Create a State-run Pharmacy Benefits Manager
(H.P. 706) (L.D. 921)
(C. "A" H-251)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

The Chair granted the request.

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

The Chair granted the request.

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

ROLL CALL NO. 146

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Colwell, Cote, Cummings, Daigle, Davis,

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, Lovett, Lundeen, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tessier, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Buck, Clark, Cowger, Goodwin, Mailhot, Matthews, Mendros, Quint, Stedman, Thomas.

Yes, 87; No, 52; Absent, 10; Excused, 2.

87 having voted in the affirmative and 52 voted in the negative, with 10 being absent and 2 excused, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, to Create a Stakeholders Group to Modernize Maine's Clean Air Policy

(H.P. 1047) (L.D. 1404)
(C. "A" H-301)

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 **FINAL PASSAGE** and later today assigned.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker Pro Tem.

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

UNFINISHED BUSINESS

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

An Act to Fund Sexual Assault and Domestic Violence Intervention and Prevention

(H.P. 403) (L.D. 524)

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

PENDING - PASSAGE TO BE ENACTED. (Roll Call Ordered)

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. First I want to thank each and every member of the body that helped me cosponsor this important piece of legislation. I want to thank my counterparts on the Republican leadership, the Republican Caucus and certainly all the members of our caucus for the tremendous and overwhelming support for this really important issue. This bill is really not about me and it is not really about you, it is about the 170 calls that came into domestic violence and sexual assault hotlines yesterday and every day in the State of Maine. It is about doing something about that.

This week several things happened. Commissioner Kelly of the Department of Public Safety released statistics showing that violent crimes in our state had increased. Crime in general was down, because Maine is a safe place to live. Rape was up 16.5 percent and domestic violence assaults have increased 12.5 percent since 1999. Another thing happened this week and newspapers carried a story of a Biddeford woman who was shot in the head by her boyfriend after she ended their seven-year relationship. On a more personal note, another thing happened this week. A member of my staff learned that her sister was involved in an abusive relationship. She fears for the well being of her sister. Across the nation one out of every four women will experience domestic violence or sexual assault in her lifetime. I know that each of you can think of at least four women that you know very well whether it is your mother, God forbid, your wife, your daughter, your sister, the unimaginable. Try to imagine something happening to one of those special women in your life.

As I became involved in this issue, I guess I had a reawakening, kind of an awareness and I think certainly this chamber and the other body have had that awakening too. I was at a happy community event Saturday, the 50th Anniversary of Little League in my great City of Gardiner. I was having a great day. I looked around and I realized that one out of every four of the women or girls at that game, at that wonderfully happy event, were going to be the victims of domestic violence or sexual assault in their lifetime. It changes the way you think about this. It changes the way you act on this. Maine ranks sixth in the nation in the rate of women killed by men and despite the number and the heightened attention paid to the problem, the number of domestic assaults, as I said, reported to law enforcement between 1990 and 1999 has not decreased. Half of all the homicides in Maine result from domestic violence.

We are a safe state. We don't have many murders. It is a wonderful place to live, but half of the ones we have are directly related to domestic violence. Domestic violence programs saw a 20 percent increase in their client caseloads just last year. I think as a society we moved from the belief that a domestic disturbance is a private matter to recognition that violence impacts every sector of our society, law enforcement, the courts, health care, schools, business and the workplace. They are all affected by this issue.

This year I think it is time to act. The last major increase in state funding to combat violence against women was in 1986, 15 years ago. I cannot envision a state where rape is one of the most reported crimes because of a heightened awareness. We have done a good job there, yet, a state in which we don't have enough emergency shelters. We don't have enough counselors. We don't have enough support groups or no one to answer the crisis hotlines for those 170 calls that come in every day in this state. I can't imagine that happening because we, in this

chamber and in the other body, have not adequately funded those services.

The Violence Intervention Prevention Act accomplishes four things. It creates the availability to direct services for victims and their children creating a strong prevention and education curriculum in our schools, K-12, so that every child in Maine grows up knowing that violence and abuse against others is wrong. It fosters a coordinated community response that includes everyone, law enforcement, prosecutors, judges, health care providers, churches, social service agencies, advocates, lawyers and most importantly the volunteers that fight this war everyday.

Fourth and finally, it supports the community-based agencies that provide these direct services. This bill isn't about me and it isn't about us. It is about making our state a safe place for women and for children. This bill asks for just \$4 per person in Maine to make our state safer for each and every one of us. Isn't it worth it? I think the answer is, it is worth it. I thank the Speaker.

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

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

Representative SAXL: Mr. Speaker, Men and Women of the House. Sometimes I miss this corner. I listen closely to debate and often get the itch to say, wait a minute, what do I think about that? Wouldn't I like to have a little bit of input and then I think about role as presiding officer of this body and I take a step back. Only rarely during my tenure in this final term of my service here, I believe, will I ever step to the floor and speak to this body. Today is one of those days. I don't think I am speaking here today to cajole you or to ask you to support this legislation. I think that this body is going to support this legislation in overwhelming fashion. I stand before you today because I want to share my pride with you and in you for how far we have come as a state in a very short time.

Only 10 years ago, the Senator from Penobscot, Senator Cathcart, stood in this chamber, nearly alone, talking about victims of violence in the home and victims of rape. Her words were anathema to many who walk in these halls and many in the public. In the last few years we have done remarkable things and kudos to you for all the work that you have done as individual members. We have made stalking a crime. We have increased the number of prosecutors for domestic violence. We have made sure that victims of child sexual assault were protected and that we did away with the statute of limitations leading the entire nation. Each of you in this chamber should be very, very proud of all that you have accomplished. Today, collectively, regardless of party, regardless of gender, regardless of region, I believe that we are coming together in a way that is so forceful and so important to express our collective resolve that sexual assault and domestic violence will not and cannot be tolerated in our state.

I want to compliment the Majority Leader on a fine job, but I also want to compliment the other 143 cosponsors of this legislation who have stood strongly beside the Majority Leader and have showed extraordinary leadership in each of your communities. I want you to think about a few other statistics as you vote for this measure. I want you to think as the Majority Leader said, about the crime statistics, which were reported only yesterday and think that when you look at the two-year cycle for sexual assault that the reporting of incidence of sexual assault in

the last two years have increased by 35 percent. Yes, we can say that that is partly because we have supported the sexual assault response teams and we have integrated the work of the police, law enforcement, the Attorney General and advocates to create a grassroots response, but we can also say that there are 35 percent too many victims of sexual assault. That one victim of sexual assault is too many. You can look at the same statistic not just this year, but for many years regarding homicide in our state and think that day in and day out when somebody says to a victim of domestic violence if you leave this relationship, I will kill you. They know that 50 percent of the homicides in the State of Maine are the direct result of domestic violence. We wonder why they don't leave. We can talk about our children and recognize that juveniles living in violent homes were seven times more likely to attempt suicide. They were 24 times more likely to sexually assault a younger child. They were 76 times more likely to commit crimes against people and 50 percent more likely to abuse substances than their peer who had not witnessed domestic violence.

The legislation you have an opportunity to join together collectively to support today just asks for \$4 from every taxpayer. That is a lot of money. It is a lot to ask, but I believe it is a sound investment in our future. I believe by educating our children and talking to them from early on to help them understand what culturally should never be accepted was a good step forward. I believe by giving people who work on the front lines of this very difficult area a living wage is a good thing. I believe that we should make sure that prosecution is effective and that efforts are integrated. I believe this legislation will allow that to happen. I am so very proud of where we have come in the last few years. I can think of no finer legislation that we could pass this year in the 120th Legislature to say that we are listening to the people of the State of Maine and that we are responding to their needs. Thank you Mr. Speaker.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. Again, thank you Mr. Speaker for this. I know you all know I am a schoolteacher. I see the results of this everyday in the public schools of the State of Maine. I teach adolescents, middle school, the range of the strange. They are not babies. They are not toddlers. They are not adults. Far too many of my children are adults. Children living in hotels because they have had to flee for their own safety and in most cases the safety of their mother. They are children who come in unprepared. I can deal with the children that have not eaten. We have a breakfast program and like the other 24,000 public schoolteachers, I have taken money out of my pocket to make sure the children have food. Children who need a snack because of medical problem, have it. What I can't do is help the children who witness day in and day out a parent being hit, slapped, perhaps a brother or sister. There is no way I can teach a child until that child can feel safe.

This won't guarantee safety, but this sure will go a long way. I once heard an adage and I try to keep that in mind every time I come here. I am not afraid of spending money. I believe that your treasure is where your money is. My treasure is in children. I have dedicated my life to it. I am pleased to support this. Again, I thank the Speaker for sponsoring this. Thank you very much.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. This is an issue that obviously crosses party lines. All you have to do is look at the bill and look at how many cosponsors there are. The fiscal reality of the times though with

the budget probably means that we cannot fund it the whole way. It doesn't mean that we don't agree with the subject. We will need to look very hard at how we can get the best bang for our buck to prevent this terrible crime. That is what it is, it is a crime. My first exposure to domestic violence was in the 116th Legislature when I had a constituent call me and talk to me about stalking. Back then, myself and former State Senator Baldacci and House Representative Cathcart, worked on a stalking bill, which got passed in the 116th Legislature in which the now Speaker Saxl improved in the 117th and I thank him for that. It was a big improvement over where we were at that time. When I talked to this woman, I just couldn't believe the horror she was going through. I was just amazed that people live like that, in that fear, every single day. It is still out there. There are reporting mechanisms that now make it so that we know what the problem is. We have a much better handle on it. I just cannot imagine living my life or exposing my family to that kind of abuse. There are many reasons for it that are unexplainable, whether it is economics, whether it is alcohol or drug abuse, we don't know the underlying causes that cause these things. I am rising in support of this bill because it is a problem. There are 143 members in this Legislature that realizes the problem. Like I said, the fiscal reality is we are not sure how much we can fund, but I think a strong vote of support for this bill will send a message that the Legislature is behind you and hang in there and we will try to help you.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I am very fortunate to be up here in the Legislature. Years ago in 1976 when I was a working social worker with AFDC families, this is what we were confronted with time after time. The family situation broken. The father being completely in control, able to terrorize the wife and child at will and consequently within the Lewiston area with the help of many, many wonderful people, we started a shelter for women. I am telling you people this because the money that you have allocated in the past has enabled all of the shelters in Maine to grow and provide the services that they are doing today. However, the basic problem of one person terrorizing another and brutalizing the people that love them so very much has got to be finally pushed through to the educational process and help people to understand how and why this is wrong. The money that we will put towards this bill, however much it may be, I think we will be able to accomplish the next step.

I think we always think that we have done a lot with what we have had to work with and we have. The federal government has been incredibly good to fund the services that we have. Beyond picking up the pieces, beyond funding the educational groups that we have for batterers, beyond helping the women to gain control of their lives, what we need to do now is to go to the back group, the group coming up, but they will not repeat what has happened that we are dealing with now, it might be an awful thing to say, but sometimes I think social workers are really the very blessed people on the face of the earth because they are working with the results of the bad things that people do that we were able to try to correct. However, we can't stop now. We have to fund this bill and move from here so that truly everyone can feel safe, everyone can feel blessed and everyone can feel important and that has to be learned. When you have been told you are nothing, you will never be anything and I can always get to you and I can kill you at any time. That is what we have to try to wipe out. Thank you.

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 was kind of wishing that if he doesn't call on me this first time, I am not going to stand again. I really hadn't planned on speaking, but somehow I was moved to do that. Twenty years ago, most of you don't know it, but I lived that life of insanity. I call it my past life. I am fortunate for that past life because I believe that had I not endured what I did endure, I wouldn't be here. I wouldn't have the strength. I wouldn't have the empathy and I wouldn't have the courage to be here to fight for those issues that so affected me and my family.

I have to say that when I first came here I was having a discussion with some colleagues in this chamber. It was an informal discussion and the Representative said to me, not knowing my past, why don't they just leave? It ain't that easy. Many of you feel that I may have confidence far beyond what I probably should have and that I have strong self-esteem, but 20 years ago I lived a life of torture, insanity, craziness and violence. Words cannot explain unless you have been in that place. You don't leave for fear of knowing that your perpetrator can and will come after you. I was very, very fortunate that I had a family around. When I finally got the courage, it does take courage to even talk about it to your family, because you feel that maybe I am crazy. You are told over and over again that it is your fault and that if you weren't crazy and you weren't neurotic, that this wouldn't be happening. You hide it for a long, long time. It finally gets to a point where I was able to talk to my family about it and I had the courage and strength and help to get out of the situation.

It is 20 years later and I am out of the situation, but it is always with me in many, many ways. I know how easy it is to slip into it. I know how hard it is to get out of it. Without increased education and the funding that this chamber and the other chamber and those of the second floor have done in this issue, there would be many, many more empty chairs up in the gallery. There would be many, many more deaths. There will be if we don't keep on and keep on and keep on. I thank you for the indulgence.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. In addition to the privilege of representing the people of District 14 in this Legislature, I also have the privilege of being the House Chair of the Legislature's Commission to Study Domestic Violence. I have the privilege of being a criminal defense attorney representing people charged with crimes in our society in court. Some of those crimes include crimes of domestic violence. The Commission to Study Domestic Violence has not finished its work yet, so I can't speak for that commission, but I can speak to you from my personal observations in both my capacity as a defense attorney and my capacity as the House Chair of that commission and tell you that this bill is a very, very important bill. It is a necessary bill. It is an important element of our fight against domestic violence. I ask you to support it. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I beg your indulgence of my emotions today. This is a very, very emotional issue for me. I ran for the Legislature vowing that my two years, four years, six years or whatever, I would fight and support every bill that came before me to combat domestic violence. Having worked with thousands of people in my career, I have seen the abuse, the lack of self-confidence, the absenteeism that affects every business, every family in the State of Maine at one time or another. The most affected are the children. Childhood, by its birthright, is supposed to be a happy memorable time where you remember

the happy times where you were able to get together as a family and just laugh about something completely and totally silly, but it made you feel good. The children that we gave birth to are affected so dramatically by the violence that goes on in the home, whether it is physical abuse or verbal abuse, what memory does that child take into adulthood? What memory and what parenting skills are they taking into adulthood when all they have heard through their entire childhood is abuse? It is something that I just can't imagine.

I come from a family of 10. My father was an alcoholic. Alcoholics have a tendency to be very abusive at times. I was one of the fortunate ones. My father was never abusive to us children, but he was very, very verbally abusive to my mother. I never, ever wanted a child of mine to have to hear a parent degrading their mate in front of them. My son is 40 years old. He has never, to this day, heard his mother and father disagree in front of him, verbally and never with physical abuse. I am lucky. I learned from the mistakes that my mother had to live with. When you have had 10 children, it is not easy as Representative O'Brien stated to walk out of his hell. It is a hell on earth. I thank you for your support in advance of this vote because when I am looking at \$4 a person to support this bill, fully funded, every merchant, every retailer, every law office or doctor office or whatever in the State of Maine loses more than \$4 a day in lost time and lost productivity to their employees in a day, just one day. If this costs us \$4 a taxpayer for the year to support this fund, chalk it up to a good cup of coffee at Starbucks and say we have done what is right for the children, the parents and the future of Maine. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am very happy that the Representative from Bangor, Representative Blanchette, made the previous remarks. The Criminal Justice Committee knows very well the effects of the scourge of domestic violence. In the past I have considered it Maine's own crime. We have a very low homicide rate in Maine, but we do very well at harming our family members. That is not anything to be proud of, of course. Half the homicides are from family violence.

As Representative Blanchette said, the effect on Maine's economy needs to be noted as well. I am the employer of a small business in Ellsworth. Most people know that. I grew up in my family business. I rely upon the people that work for me. Because of their good work, I can be here. They need to be there if I need to be here. My employees are everything to my business. As it happens, all of my employees are women. I guess that is the nature of the grocery store business, I suppose. The worst thing I can do is to receive a call in the evening from one of my employees and I know why they can't come in the next day. I hate that call. What I try to do is post literature of the Domestic Violence Project in my area. I am proud of that project. It was my very first successful bill in the Legislature seven years ago. That literature is posted in the restroom. It is a very good place to read stuff. They accept collect calls. They shelter their clients. Their clients need to use these services. They are very good. There is a reluctance to use these services. There is a reluctance to charge the person who does their harm. This needs to change. This is the wrong culture. I hate to say that this bill is good for Maine business, because it is really good for Maine people. The services that would be enhanced by funding this bill will help Maine business and, of course, help Maine's families. Thank you very much.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I have been very fortunate in my life. I was brought up by a very kind and gentle father. I married a man who hasn't beat me yet. Maybe there are times he would like to, but he never has. Serving my town and my people for 25 years in one form or another either as a member of the board of selectmen or here in the Maine Legislature, I have had many times, I ran a store for 23 years, a lot of my constituents, even people from another state would come in and tell me of the abuse they were having. I have heard many horror stories over these years from my constituents calling me on different things. I guess I was kind of naïve because I did not believe knowing the players that that was even going on or even happening.

One story that a girl told me was how her stepfather had sexually abused her and her mother stood and said you deserve it. You asked for it. Those are things that I could not understand because being brought up the way I had been brought up. I agree with the good Representative from Gardiner when he said we have come a long ways, but we have not gone far enough. We have not. I will be supporting this bill for the full funding. I hope that each and every other person in this body supports it as well. 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 circulated an envelope a few weeks ago about the Battered Men's Help Line. There is another side to domestic violence. We see it on TV everyday. We see a woman punch a guy and everybody laughs. You can't watch TV without seeing a woman hit a man and it is expected to be funny. I am proud to say that the only shelter in the United States is in Maine. I hope that state law, maybe someone can answer that question. I know that federal law prevents money to go to battered men's shelters. It prevents the therapy that many abusive men go in and have therapy to get over it. Their actions are bad, but like anyone else, you have to love the person and hate the actions and you try to get them better. None of that is available in 49 other states for women who are abusive, that same kind of therapy to get over it. I am proud to say that the State of Maine does have a shelter for battered men. It does work for both sides of the issue. It may be a small minority and different statistics give different numbers, but abusive behavior is in everybody. It needs to be combated, all abuse. If you truly want to get to the root of this problem, it is not a gender fight. It is a fight to end violence so that everyone can feel safe, men, women and, especially, children. I guess my question is, does money from this program go to help both sides of this issue.

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I don't know the answer to the good Representative from Lewiston's question, but I do have a couple of questions of my own. The first question is, has spending for domestic violence education increased or decreased in the State of Maine in the past 10 years? The second question is, have the reports of domestic violence increased or decreased in the last 10 years? I guess my last question would be one that probably can't be answered, but I guess I don't understand the correlation between spending money and ending violence. I think the answer is people need a new heart and a new spirit to change their ways. Thank you.

The **SPEAKER PRO TEM**: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. In this body we operate during a session almost as creatures of the day to day. We deal with the short term. We focus on our bills, sometimes a little broader outlook of focusing on a party agenda. Very seldom during a session do we get to look to the horizon. When all of us, when your service is finished and people will ask us, what did you do, what are you most proud of, I look around the chamber and I see a handful of old salts who were here during the 1980s. I think almost to the person they would tell you Maine's OUI law, the changes that it brought of getting drunks off the road, the changes in attitude and moving from a society the used to laugh at drunks to a society that realized drunks were dangerous and needed help. We are in a new century now. I know that when I leave this body and people ask me what did do or what are you most proud of? I will be this vote today. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I rise today to speak to my thankfulness for having a voice and being able to speak for men and women and children here in Maine that we can pass this law and fund these support services. I am thankful for my family, my friends, my church and the abused women's shelter who helped me to escape from a life of violence and fear. When I will be casting my vote today, I will be casting it in memory of those women and children whose voices have been forever silenced. Thank you.

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

ROLL CALL NO. 147

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

NAY - Duprey, Foster, Kasprzak, MacDougall, Shields, Waterhouse.

ABSENT - Buck, Clark, Cowger, Goodwin, Mailhot, Stedman, Thomas.

Yes, 138; No, 6; Absent, 7; Excused, 0.

138 having voted in the affirmative and 6 voted in the negative, with 7 being absent, and accordingly the Bill was

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act to Clarify the Laws Pertaining to Licensing Requirements for Landowners"

(H.P. 270) (L.D. 348)

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

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

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

Signed:

Representatives:

CHICK of Lebanon
PERKINS of Penobscot

READ.

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

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act Related to Nonresident Deer Hunters"

(H.P. 319) (L.D. 409)

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

TRAHAN of Waldoboro
CLARK of Millinocket
PERKINS of Penobscot
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

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

Signed:

Senators:

CARPENTER of York
 WOODCOCK of Franklin
 Representatives:
 DUNLAP of Old Town
 CHICK of Lebanon
 HONEY of Boothbay
 USHER of Westbrook

READ.

Representative BRYANT of Dixfield moved that the House **ACCEPT** the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Men and Women of the House. This is a bill that I sponsored. It is in regards to a couple of constituent families in my district. It does not take away anything from the hunters. What it does is add an opening day opportunity for non-residents. These two families that approached me, it was about four years ago, one has a camp in Thorndike and one has a camp in the Eustis area. They have a family tradition of all hunting on the first day. Since then, a member of their family has left the state, like a lot of other family members have left the state for career changes. They now have to purchase a non-resident license, which is a large amount of money. When opening day comes, they are not allowed to hunt on opening day. They have to hang around camp. Some end up as camp cook, cleaning up the camp and waiting until Monday because opening day is on a Saturday. They have asked, why can't we come back and go hunting on the first day? There are 23 different licenses that are sold to non-residents. This is the only one that they cannot use after they purchase it on opening day. They can purchase an archery license, trapping license or many other different licenses. This is the only one that they cannot use after they purchase it. They spend over \$80 for a license and they are still Maniacs as far as I am concerned. They are Maine people, but they have different careers today. This will grant them an opportunity to hunt with their family as they come back here.

This was created back in 1978, the opening day was when the deer herd was very critical. Since then we have adopted the Antlerless Deer Program, which has benefited the whole deer season. The deer season is doing very well today. There was a lot of concern back in the '70s, but today all the studies and all the new programs we have, it shouldn't be any problem with letting the non-residents hunt on opening day. I hope you would oppose the pending motion and we could pass this bill before this morning.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to vote for the pending motion. There is nothing broken here, so we don't need to fix anything. What we are talking about is the first day of hunting, which basically a lot of communities in Maine, local people go out to hunt. We talk about a number of things. One, we talk about safety. We have a lot of people in the woods the first day. What this allows to happen is to divide that up. The first day a lot of Maine people are out in the woods and non-residents haven't been allowed to hunt for the last 20 years. I think you have to look back and say to yourself, how many of your constituents have called you and wanted you to change the law? I think that is the first thing. SAM has some surveys out there. The first one was when they surveyed out-of-staters. Of course, 100 percent of them wanted to change the law. When they surveyed hunters in the state, they didn't like that number, that was high in the 90s. They did another survey and they kind

of mixed them together to bring that number down. I would urge you to vote for the pending motion. Thank you.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. The assertion of my good friend from Dixfield, Representative Bryant, that somehow this is a safety consideration that we are going to reduce the number of hunters on Saturday is fatuous at it greatest depth. The fact of the matter is that if that is truly the case, perhaps we should exclude all non-residents on each Saturday during hunting season and leave it only for the residents. That is not the issue here at all. Truly the issue is, whether or not it is fair to charge someone four times the resident rate and not give them access to the entire season? I understand the premise that we should have something special for residents. I can appreciate that and understand it and I am not particularly married to this legislation. However, there is the problem of the non-resident landowners who have families here, who have sporting camps here, who leave their land open for use of residents and non-residents alike and sit back and watch people tagging deer on their property when they can't go out to hunt on that opening day. I think that is really the issue here, whether or not it is really fair to charge people that rate, \$19 for a resident and \$85 for a non-resident, and not give them access to the entire season? I urge you to defeat the pending motion and go on and accept the Minority Ought to Pass Report.

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

Representative HONEY: Mr. Speaker, Men and Women of the House. Most of these people that we are talking about, these out-of-staters, grew up in this state. They own land in the state. They come back in the fall. That is their vacation. I think this is a fairness issue. I urge you to not support the present motion.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. Although I have the greatest amount of respect for the Representative from Westbrook, I must respond to a statement that he said, that the hunters of the state, nothing would be taken away from these hunters. Ladies and gentlemen of the House, this day has become a tradition for Maine residents, the first day of the season. I know that become I am a president of a fish and game club. I hear it from my members and I hear it from other people around the state that are residents. This day has become a traditional day for the families to get together on the family piece of land or a place that they have hunted for years and go out and enjoy the day. There is no mistake, ladies and gentlemen, if we take this day away, there will be some angry residents out there. I would say to the non-residents of Maine, if they would like to enjoy a license at the cost that residents pay and they would like to enjoy the first day of the season, they should live through our winters to enjoy our summers and our falls. Thank you.

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

Representative PERKINS: Mr. Speaker, Members of the House. The word fairness has been mentioned and perhaps it would be fairer, but I will tell you that we are into this deeply in Maine, this tradition. It has also been mentioned previously that a lot of these people, most of these out-of-staters, were residents of Maine. Another speaker said that a lot of these people own land in Maine. This bill doesn't target those people. In fact, I think there was a bill in or is a bill somewhere that deals with non-residents who own land in Maine. This does not single out those particular subgroups. Before you vote in favor of this, I

would suggest somebody might want to table it and call up some of your folks back home that you know are hunters. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. I just want to share one last comment that was given to me out in the hallway. All the Representatives who have lodging and motels in the hunting zones, this would probably add to their economy. They would come up here a little bit earlier and rent motels and lodging for two extra days.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. It is not often that I get up on Fish and Wildlife bills, but in another life and in another body, I used to chair this committee. I don't chair this committee anymore, but I still continue to hunt. My kids hunt, boys and girls. Opening day is a tradition in my family. My wife says that I am going to get rid of all of you today, on Saturday. She enjoys the break. I think it is a traditional day for families in Maine. I can't compete with the good chair of the committee, Representative Dunlap from Old Town, in his always excellent presentation of the facts. I can only tell you a little empirical evidence. Having hunted every opening day since I can remember and part of those days with my family, I have always experienced on opening day with my family, my kids, a lot more hunters out there than when it starts to turn cold in November and starts to get into those dog days, that is not the expression of November, but the real snowy, wet days of November. I think there is a lot of pressure on opening day already. One of those things that I have to do as a parent, I love to hunt when I have an opportunity to recreate, that means hunting for me in the fall, is to make sure that my primary responsibility as their father is to protect them. I have them orange from head to toe because I know that hunting accidents can happen. I make sure they are safe. I think the added pressure of allowing more hunters, again, I would respectfully disagree with some of the information, allowing more pressure on opening day will make more Maine fathers, mothers and families not hunt. I think one day for Maine people is a tradition and a good tradition. Let's not do away with all these good traditions we have in Maine. Let's keep more people from Maine hunting, buying licenses and I can assure the Department of Inland Fisheries and Wildlife, there will be four more licenses coming for adult hunters with my two girls and my two boys. They are going to pick up with their dad. They are going to hunt a lot better than me too. Thank you Mr. Speaker.

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

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

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

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to comment on the good words from the good Representative from Winslow, Representative Matthews. This is truly a family day. It is a Maine heritage. Living in Rome, that is where my two young sons learned to hunt. Now they are adults and we still look forward to the first day of hunting as a family unit. We usually

discuss where we are going to go and things like that. I understand about the out-of-staters and their concern about the first day and things like that, but I am sure they can wait that extra day. Let's try to preserve and keep what little Maine heritage that we have back into the land. Thank you.

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

ROLL CALL NO. 148

YEA - Andrews, Annis, Ash, Bagley, Baker, Berry DP, Bowles, Brooks, Bryant, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Cote, Crabtree, Cressey, Cummings, Davis, Dugay, Duncan, Duprey, Etnier, Foster, Gagne, Glynn, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, MacDougall, Madore, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McKenney, McNeil, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Twomey, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Colwell, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gerzofsky, Hawes, Honey, Lemoine, Mayo, McDonough, McLaughlin, Norbert, Paradis, Patrick, Pineau, Povich, Quint, Richard, Savage, Tobin J, Usher, Watson.

ABSENT - Buck, Bunker, Clark, Cowger, Goodwin, Hutton, Lovett, Mailhot, Mitchell, Norton, Smith, Stedman, Tarazewich, Tessier, Thomas, Mr. Speaker.

Yes, 99; No, 36; Absent, 16; Excused, 0.

99 having voted in the affirmative and 36 voted in the negative, with 16 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-388)** on Resolve, Authorizing Arnold Smith to Sue the State

(H.P. 822) (L.D. 1076)

Signed:

Senators:

BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon

O'BRIEN of Lewiston
 PATRICK of Rumford

READ.

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

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

Representative **TUTTLE:** Mr. Speaker, Men and Women of the House. This resolve authorized Arthur Smith as personal representative of the estate of Kristen Smith to sue the state for damages resulting from the murder of Kristen Smith by an individual under supervision of the Department of Mental Health and Mental Retardation and Substance Abuse Services and the Department of Corrections. The recovery, if any, is limited to \$200,000, including costs and interest. As many of you are aware, we have a number of the suits before the Committee on Legal and Veterans Affairs every year. These are always the most difficult situations to address and try to do what is right. I believe we had eight this session of which one has been resolved. This is the one still pending in this bill. The opponents of the bill, I guess, have felt it was a regrettable situation. It was impossible for mental health professionals to predict the behavior of a person with mental illness and they feel that the department is not responsible for treatment received from community health providers and it would set a dangerous precedent. While proponents, of which I am one, feel that the person who murdered Kristen Smith told mental health workers and probation officers on numerous occasions of his fantasies of killing women. The attorney for the Smith Family at the public hearing, I think, did a very good job in expressing that the case deserves authorization in this circumstance and that the state failed to notify Kristen Smith's mother and notice could have been given on numerous occasion to avoid the situation that occurred.

In closing, I think that we have to review these situations and be very careful and very cautious of how we proceed. I feel that if the state is wrong to not admit that, I think it is doing a very big disservice, at least from my perspective, I think that the Smith family did prove their case. That is the reason why I move the Majority Report. I would ask that you would listen to the debate and vote your conscience as I have.

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

Representative **O'BRIEN:** Mr. Speaker, Ladies and Gentlemen of the House. This is proving to be a heavy day. I am the sponsor of this bill and I would like to give you just a little bit of history of how I first became involved in the situation. In July 1998, in the middle of the evening, our family was awoken to the sounds of sirens very, very close and the smell of smoke. We got up and went outside and noticed two doors down from us that the house was totally in flames. We believed there was an elderly woman in the house, but the police and firemen said that no one was home. A few hours later there was a knock on the door saying that, yes, there had been a body found. It was the body of an 87-year-old woman, Mary Turner, who had died in the home. The police were going neighbor-to-neighbor asking questions. By early the next morning when we went outside, the whole area had been cordoned off with police tape and all the press from the entire State of Maine was in our dooryards. It had become, indeed, a crime scene. In the hours that ensued, these are the facts that came out. John LaRue, a person who had previously lived on our street in the home of our ex-landlord, Mary Turner, the 87-year-old. He had lived there and the preceding evening had gone on a spree. He had found his 16-year-old stepdaughter, had coerced her by saying that he needed help because and her mother were having an argument

and he needed her help. He got her in the car, took her to a gravesite on the outskirts of Augusta and brutally murdered her. He then came back into Augusta, went into Mary Turner's home, strangled her, beat her with a vacuum cleaner and then set her house on fire. The next day he was found in southern Maine in a police standoff. He had set another home on fire and was subsequently arrested.

I want to tell you why this makes it any of our business. I agree with the good Representative from Sanford, Representative Tuttle, that we have to weigh these cases, cases that are asking to sue the state, very, very carefully and not many get through. I want to thank the committee for listening to this debate and for ultimately voting it out a Majority Ought to Pass Report. I want to thank them for that. Why the state does have responsibility, in my view, is because John LaRue admitted many, many times that he wanted to kill women. He had a very, very violent streak and was going to act on that. The reason why it is our responsibility as a state was because he was on probation. He was on probation for attempting to kill his ex-girlfriend, running her over. He was on probation. I have spent the past two terms, four years, on the Criminal Justice Committee. My issue, more than any other issue on that committee was how our probation department needs help. Over and over again we have heard from frontline workers that they don't have the staff. They don't have the equipment. They don't have the managers. It is a mess. Representative Muse and I actually went to the second floor, despite the department asking for six probation officers in a previous budget, we went and said you need 25. We ended up getting 16. My point being in that is that the department said that we don't know what we would do with more probation officers. We think it is fine as it is. It was bizarre to us. It was ludicrous. We went against the Department of Corrections saying that we need to bone up, to beef up, this probation department.

I believe it has been distributed on your desk, you have a pack of letters from the father, Arnold Smith, Joyce Smith, Kristen Smith's mother, her brother, Josh and also the last one is from John LaRue admitting what he did. During the year that Joyce Smith was married to John LaRue, not once did she ever see or hear from the probation officer. We have heard time and time again that it is because of the high-risk assessment that John LaRue was, his very violent past and his potential for violent future, his contact standards should have been very, very high. That doesn't mean a phone call every three months. That means a visit over and over again. John LaRue never saw his probation officer from all we can tell during that previous year. He may have called him on the phone. We don't know that, but the wife who was living with him never knew anything about it. I think we need to accept responsibility for that. That is why I agreed to put this bill in. I was asked to do it by an attorney and I have to say I wanted to know why. What is your motive? If it is money, I don't want to go there. They hit the button when they said the probation department. It is something we cannot ignore. I know that many of you, because you have told me, have heard over and over again from your constituents about people being on probation and really, what does it mean? I would ask you to seriously consider this. We are not passing judgments on the merits of this case. We are passing judgments on allowing it to go through so there will be a trial and then it will go from there. This does not say that they will get the money and everything will change at this point. I want everybody to realize that. It allows Arnold Smith, the biological parent of a wonderful, beautiful, energetic 16-year-old to pursue his case in court. I thank you for that.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. As you will see from the report, I am on the Ought Not to Pass report. As all of you know, or should know, there is an immunity for state workers. They cannot be sued. When people bring suits to us as a Legislature, then in my view of that, everything else that could have possibly have been done, should have been done. There has to be evidence that somebody was actually at fault. It is, for me, a check and balance. As the good Representative from Sanford, Representative Tuttle, indicated, each one of these cases is different. They are heart rendering and they are extremely hard to stand up and talk about. In reviewing this case, however, I do not feel that the Department of Corrections did anything wrong. They did not cause this horrible accident. I would repeat that you need to search your souls and vote your conscience.

The Chair ordered a division on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

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

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

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I was also on the Ought Not to Pass report. My heart goes out to the family for the loss. Sitting listening through my first of a couple tough suits against the state cases, I looked at what we were charged to do and based upon the evidence, were there enough facts to support whether or not they should sue the state based on the criteria that we had? Part of this case boils down to, did the state corrections or DHS workers give the information that we were allowed to give in this case? It kind of falls under the same realm of doctor/patient confidentiality. We were given some documentation with law as to what could be disclosed or what could not be disclosed for information because I know that I wouldn't want anyone just being able to disclose anything about my past, especially if I am seeing a physician or DHS worker or a corrections official, because under the law we do have certain rights. Based on that, certain sections I had highlighted was disclosure may only be made by written request of the family member of the person living with the client. Prior to disclosure the client may be informed in writing of the request the name of the person requesting information, the reason for the request, for the specific information being provided, information may not be disclosed unless the client having received written notice of the request consent to be disclosed.

I am not a lawyer, but we also discussed that confidentiality may be violated if there is a clear and substantial reason to believe that there is imminent danger of serious physical harm inflicted by the recipient on him or herself or upon another. One of the statements that were made was this person had a disdain for women or would like to kill women in general. Under this, you have got to have a specific charge against someone, according to what this is, in listening to everything that I said, I don't believe that the information that was given us actually said that there was a breach of confidentiality by the Department of Corrections or DHS. I really believe that under what we were charged to do, I couldn't in earnest find the Ought to Pass report myself. I was on the Ought Not to Pass report. Regrettably, I wish everyone would also vote Ought Not to Pass on this because if they had it coming to them, I believe, I would have voted the correct way.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. While I agree with the previous speaker, the good Representative from Rumford, that these are very difficult cases to decide. I have listened to them now for three years. I have voted against bringing most of them to the floor of the House. However, I think this one is slightly different, particularly if you look at the amendment (H-388) because that amendment indicates that no decision has been made on the amount of money that will be awarded in this particular case. That will be left up to a Superior Court Judge to make a determination. That is what is being requested to allow the court to look at the facts, to be able to hear some things that we, as a committee, were not able to hear given the confidentiality statutes and to let the judge make the determination and to set a cap on that determination of \$200,000. That is why the amendment that you have currently before you does not indicate a \$200,000 fiscal note.

The other thing to bear in mind, which I find considerably different from previous cases in the last three years, is that any money recovered is going to be allocated, it is going to pay for the Victim's Compensation Fund expenses today. It is going to establish a scholarship fund in Kristen's honor, in addition to paying 25 percent of the settlement to her parents and 25 percent to legal fees. It is an entirely different case than any you have seen in the three years that I have been involved with the Legal and Veterans Committee. I urge you to accept the Majority Report and let this item move forward. Thank you ladies and gentlemen.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I just need to clarify something that was said by the good Representative from Rumford. When the bill first came it did include the Department of Mental Health and Corrections, but because of confidentiality issues, that was totally taken out of the bill. What we are talking about now, I repeat, is the probation department was supposed to be monitoring John LaRue. He had high contacts standards because of his past and his predictions for his future. They were not met, not even closely. Confidentiality is not an issue in here, mental health, the medical records, none of that. It has all been taken out of the bill. It is strictly how the probation department did or didn't fail Kristen Smith. 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. 149

YEA - Annis, Ash, Baker, Berry DP, Berry RL, Bliss, Brannigan, Brooks, Canavan, Chick, Collins, Colwell, Cote, Cresse, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Laverriere-Boucher, Ledwin, Lundeen, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, Paradis, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Sullivan, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Bowles, Bruno, Bull, Bumps, Carr, Chase, Chizmar, Clough, Crabtree, Daigle, Davis, Duprey, Etnier, Fisher, Foster, Glynn, Gooley, Haskell, Jacobs, Jodrey, Jones, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Lemoine, Lessard, MacDougall, Morrison, Nass,

O'Brien LL, Patrick, Peavey, Povich, Rosen, Schneider, Skoglund, Snowe-Mello, Stanley, Tobin D, Tobin J, Treadwell, Waterhouse, Winsor.

ABSENT - Blanchette, Bouffard, Bryant, Buck, Bunker, Clark, Cowger, Fuller, Hutton, Kane, Lovett, Mailhot, Mitchell, Muse C, Muse K, Norton, O'Neil, Sherman, Smith, Stedman, Tarazewich, Tessier, Thomas, Watson, Wheeler GJ.

Yes, 78; No, 48; Absent, 25; Excused, 0.

78 having voted in the affirmative and 48 voted in the negative, with 25 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-388) 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" (H-388)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Permit Intrafamily Transfer of Lobster Tags"

(H.P. 750) (L.D. 969)

Signed:

Senators:

EDMONDS of Cumberland
PENDLETON of Cumberland
LEMONT of York

Representatives:

MUSE of Fryeburg
CHICK of Lebanon
SULLIVAN of Biddeford
VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
PINKHAM of Lamoine
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport

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

Signed:

Representative:

ASH of Belfast

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)** on Bill "An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held"

(H.P. 245) (L.D. 281)

Signed:

Senators:

EDMONDS of Cumberland
PENDLETON of Cumberland
LEMONT of York

Representatives:

MUSE of Fryeburg
SULLIVAN of Biddeford

VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
PINKHAM of Lamoine
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport

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

Signed:

Representative:

ASH of Belfast

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-398) 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-398)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)** on Bill "An Act to Provide Free Licenses to Harvest Marine Organisms for Persons Over 70 Years of Age"

(H.P. 320) (L.D. 410)

Signed:

Senators:

EDMONDS of Cumberland
LEMONT of York

Representatives:

SULLIVAN of Biddeford
VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport

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

Signed:

Representatives:

CHICK of Lebanon
PINKHAM of Lamoine

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-392) 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-392)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Relating to Research Activities of the Commissioner of Marine Resources"

(H.P. 521) (L.D. 676)

Signed:

Senators:

- EDMONDS of Cumberland
- PENDLETON of Cumberland
- LEMONT of York

Representatives:

- MUSE of Fryeburg
- SULLIVAN of Biddeford
- LEMOINE of Old Orchard Beach
- USHER of Westbrook
- McNEIL of Rockland
- BULL of Freeport

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

Signed:

Representatives:

- VOLENIK of Brooklin
- PINKHAM of Lamoine
- ASH of Belfast

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Amend the Laws Pertaining to the Taking of Seaweed and Rockweed"

(H.P. 887) (L.D. 1179)

Signed:

Senators:

- PENDLETON of Cumberland
- LEMONT of York

Representatives:

- MUSE of Fryeburg
- SULLIVAN of Biddeford
- LEMOINE of Old Orchard Beach
- PINKHAM of Lamoine
- USHER of Westbrook
- McNEIL of Rockland
- BULL of Freeport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)** on same Bill.

Signed:

Representative:

- VOLENIK of Brooklin

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)** on Bill "An Act to Expand the Options for a Lobster Management Zone"

(H.P. 1114) (L.D. 1483)

Signed:

Senators:

- EDMONDS of Cumberland
- LEMONT of York

Representatives:

- MUSE of Fryeburg
- CHICK of Lebanon
- SULLIVAN of Biddeford
- VOLENIK of Brooklin
- LEMOINE of Old Orchard Beach
- PINKHAM of Lamoine
- USHER of Westbrook
- McNEIL of Rockland
- BULL of Freeport

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

Signed:

Representative:

- ASH of Belfast

READ.

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

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

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, Colleagues of the House. Could somebody tell me what this does? I don't happen to have the papers on it.

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 Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. In answer to the Representative's question, it is a pilot project in Zone C only, which gives the zone five new options for the zone to vote on for approval by the commissioner in the same process as all other issues going to the zone. It would allow, specifically, for the zone to do any of these five things, any or all. One, to increase the amount of time that an apprentice would serve in apprenticeship. Two, it would allow the zone to establish an on-shore training program. Three, it would require that a sponsor of an apprentice to have held a license for at least five years. Four, it would require an apprentice in the zone that could only enter Zone C if they had apprenticed in that zone. Five, to establish a one year, two year or three year waiting period for transfers only. This was supported by virtually everyone. It was supported by the department, the Lobster Advisory Council, the Down East Lobstermen's Association, the Maine Lobstermen's Association and the Stonington Fisheries Alliance. Only one person spoke against the bill and that person really didn't want to the zones to do anything.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-391)** 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-391)** and sent for concurrence.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-394)** on Resolve, to Create a Task Force to Make Recommendations Regarding Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing (EMERGENCY)

(H.P. 1120) (L.D. 1489)

Signed:

Senators:

EDMONDS of Cumberland
PENDLETON of Cumberland
LEMONT of York

Representatives:

MUSE of Fryeburg
SULLIVAN of Biddeford
VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
PINKHAM of Lamoine
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport
ASH of Belfast

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

Signed:

Representative:

CHICK of Lebanon

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-394)** 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" (H-394)** and sent for concurrence.

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:

SENATE PAPERS

The following Joint Order: (S.P. 617)

ORDERED, the House concurring, that when the House and Senate stand Adjourned they do so until Monday, May 14, 2001, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

SENATE PAPERS

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Achievement (EMERGENCY)

(S.P. 616) (L.D. 1797)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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. 309) (L.D. 1056) Bill "An Act to Enforce the Taxation of Building Materials and Modular Homes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)**

(S.P. 386) (L.D. 1283) Bill "An Act to Amend the Criminal Laws with Regard to Animal Welfare" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)**

(S.P. 530) (L.D. 1653) Bill "An Act Making Technical Changes in the Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-169)**

(S.P. 585) (L.D. 1761) Bill "An Act to Enhance Governance of the Allagash Wilderness Waterway" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)**

(H.P. 922) (L.D. 1236) Bill "An Act to Strengthen the Bail Laws for Repeat Offenders" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)**

(H.P. 1164) (L.D. 1564) Bill "An Act to Amend the Laws Affecting Changeable Message Signs" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)**

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

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

(S.P. 232) (L.D. 797) Bill "An Act to Amend the Laws Pertaining to Domestic Violence" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-172)**

On motion of Representative DUPREY of Hampden, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I will be real quick. I would like to applaud the committee for this legislation, getting it through. Domestic violence and child abuse is a problem in Maine. My wife was abused as an ex-wife. She was abused, but it was a different state she was in. She had shelters to go to and plenty of government programs to help her out, but she had no teeth in the law to help her prosecute her ex-husband. What this bill does is it provides penalties and holds people accountable for their actions when it comes to domestic violence. Women and children who are abused need the long arm of the law behind

them. This bill is a first step to stop them. Mr. Speaker, I respect the yeas and the nays.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Committee Report.

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

On motion of Representative POVICH of Ellsworth, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned. (Roll Call Ordered)

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

On motion of Representative COLLINS of Wells, the House adjourned at 1:04 p.m., until 10:00 a.m., Monday, May 14, 2001 pursuant to the Joint Order (S.P. 617).