

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
48th Legislative Day  
Monday, May 14, 2001

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

Prayer by Pastor Kenneth Davenport, Bucksport Church of God.

National Anthem by Wiscasset High School Band.

Pledge of Allegiance.

Doctor of the day, William Atlee, M.D., Augusta.

The Journal of Thursday, May 10, 2001 was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing Registers of Deeds"

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

Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on May 9, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252) in NON-CONCURRENCE.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.C. 255)

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

May 8, 2001

Honorable Millicent M. MacFarland

Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 34-B M.R.S.A. §15004, I am pleased to appoint Therese Cahill-Low of Hallowell to the Children's Mental Health Oversight Committee.

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

Sincerely,

S/Michael V. Saxl

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 618)

**STATE OF MAINE  
120TH LEGISLATURE**

May 10, 2001

Hon. John L. Martin

Senate Chair

Joint Standing Committee on Natural Resources

Hon. Scott Cowger

House Chair

Joint Standing Committee on Natural Resources

120th Legislature

Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that pursuant to 38 M.R.S.A. Section 341-C(5), Governor Angus S. King, Jr. has extended the term of Irving Faunce as a Member of the Board of Environmental Protection to ensure fair consideration of several major matters pending before the Board. These projects include: the license application of Bangor Hydro-Electric for the 345 kV transmission line tie with New Brunswick and the Waste Management Disposal Services of Maine (Norridgewock) licensing application for facility expansion and waste relocation.

Mr. Faunce's term shall be extended until completion of these applications, or until such a time as either his successor is nominated or he is reappointed and confirmed, whichever occurs first.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES.**

**READ** and **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

The Following Communication: (S.C. 277)

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

May 10, 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 State and Local Government on Bill, "An Act to Promote Healthy Workplaces." (H.P. 496) (L.D. 636)

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative GREEN of Monmouth, the following Joint Order: (H.P. 1344)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House, a bill to ensure retail dealer compliance with the tax on tobacco products.

**READ and PASSED.**

Sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1217) (L.D. 1658) Bill "An Act Regarding Passamaquoddy Land in Township 19, M.D." Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 241) (L.D. 293) Bill "An Act to Implement the Funding Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)**

(H.P. 554) (L.D. 709) Bill "An Act Regarding Ancient Execution Liens" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

(H.P. 826) (L.D. 1080) Bill "An Act to Amend Article 9-A of the Uniform Commercial Code" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**

(H.P. 1017) (L.D. 1366) Bill "An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-414)**

(H.P. 1104) (L.D. 1473) Bill "An Act to Make Uniform the Language Governing Parental Rights and Responsibilities in the Maine Revised Statutes" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-415)**

(H.P. 1282) (L.D. 1742) Bill "An Act to Clarify and Update the Laws Related to Health Insurance Contracts" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)**

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

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

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

**ENACTORS**

**Emergency Measure**

An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State

(H.P. 916) (L.D. 1230)  
(C. "A" H-354)

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

**Emergency Measure**

Resolve, to Establish the Commission to Review the Child Protective System

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

**Acts**

An Act to Provide Notice of Termination Status

(H.P. 187) (L.D. 198)  
(C. "A" H-172)

An Act to Define "Medically Necessary Health Care" and Clarify its Application by Health Plans and Managed Care Plans

(H.P. 216) (L.D. 251)  
(C. "A" H-328)

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

(H.P. 224) (L.D. 259)  
(C. "A" H-213)

An Act to Reimburse Communities that have Constructed Sand and Salt Sheds and are Rated Priority 1 or 2

(S.P. 148) (L.D. 492)  
(C. "A" S-148)

An Act to Authorize a Legislative Technical Advisory Office to Benefit from the Experience of Retired Scientific and Technical Experts

(H.P. 559) (L.D. 714)  
(C. "A" H-290)

An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee

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

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Medical Payment Coverage

(H.P. 602) (L.D. 757)  
(C. "A" H-173)

An Act to Prohibit Appointment of Referees in Protection from Abuse and Protection from Harassment Actions

(H.P. 662) (L.D. 862)  
(C. "A" H-334)

An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services

(H.P. 779) (L.D. 1023)  
(C. "A" H-337)

An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners Between Correctional Facilities and Courts

(H.P. 805) (L.D. 1060)  
(C. "A" H-352)

An Act Concerning Motor Vehicle Dealer Sale Practices

(H.P. 845) (L.D. 1117)  
(C. "A" H-324)

An Act Concerning the State Court Library System

(S.P. 420) (L.D. 1376)

An Act to Revise the Health Insurance Benefits Available to Retired Legislators

(H.P. 1092) (L.D. 1461)

An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses

(H.P. 1095) (L.D. 1464)  
(C. "A" H-344)

An Act to Clarify the Status of Support Obligations if an Obligor Begins to Receive Public Assistance

(H.P. 1136) (L.D. 1522)  
(C. "A" H-332)

An Act to Amend the Maine Emergency Medical Services Act of 1982

(S.P. 509) (L.D. 1596)  
(C. "A" S-145)

An Act to Amend Certain Motor Vehicle Laws

(H.P. 1223) (L.D. 1664)  
(C. "A" H-355)

An Act to Allow Boards of Professions to Grant Hardship Deferments

(H.P. 1227) (L.D. 1674)  
(C. "A" H-325)

An Act to Amend the Personal Sports Mobile Franchise Law

(S.P. 542) (L.D. 1688)  
(C. "A" S-140)

An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains

(H.P. 1248) (L.D. 1696)  
(C. "A" H-340)

An Act to Improve Child Support Services

(H.P. 1265) (L.D. 1716)  
(C. "A" H-343)

An Act to Prevent Interstate and International Smuggling of Illegal Drugs Into the State by Creating the Crime of Illegal Importation of Scheduled Drugs

(S.P. 565) (L.D. 1725)  
(C. "A" S-146)

An Act to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs and Abuse of Designer Club Drugs

(H.P. 1270) (L.D. 1728)  
(C. "A" H-353)

An Act to Adopt the National Association of Insurance Commissioners' Model Insurance Producer Licensing Act

(H.P. 1272) (L.D. 1730)  
(C. "A" H-327)

An Act to Amend the Maine Commission on Domestic Abuse

(H.P. 1287) (L.D. 1751)  
(C. "A" H-341)

An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds

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

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, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation

(H.P. 286) (L.D. 364)  
(C. "A" H-342)

Resolve, to Establish a Fatherhood Issues Study Commission

(H.P. 370) (L.D. 472)  
(H. "A" H-362 to C. "A" H-87)

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 Concerning National Board Certification of Teachers

(H.P. 346) (L.D. 436)  
(C. "A" H-320)

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

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

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

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

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

An Act to Allow Municipalities to Lower Certain Speed Limits

(H.P. 503) (L.D. 643)  
(C. "A" H-357)

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

On motion of Representative BOUFFARD of Lewiston, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-357)** was **ADOPTED**.

Representative FISHER of Brewer presented **House Amendment "A" (H-400)** to **Committee Amendment "A" (H-357)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-357)** as Amended by **House Amendment "A" (H-400)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-357)** as Amended by **House Amendment "A" (H-400)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres

(S.P. 296) (L.D. 1007)  
(C. "A" S-141)

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

On motion of Representative GREEN of Monmouth, was **SET ASIDE**.

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

An Act to Provide Public Employees Equal Access to Personnel Files

(H.P. 910) (L.D. 1224)  
(C. "A" H-319)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

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

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

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This bill passed out of committee with a unanimous report. After that, one day last week, I got a call from Maine School Management with some very serious concerns about the fact that this bill will eliminate, effectively eliminate, the probationary period for teachers in our school systems. It also affects other municipal employees. Maine, at the present time, has the shortest probationary period in the country, being two years. This bill would require school boards and superintendents upon non-renewal of a probationary contract would require them to give stated reasons why they were not renewing the contract, affectively doing away with the probationary period. It is not good legislation and I would question whether or not this is a mandate, Mr. Speaker?

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

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An Act to Change the Snowmobile Registration Rates  
(H.P. 970) (L.D. 1294)  
(C. "A" H-346)

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

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

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

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An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution  
(H.P. 1084) (L.D. 1453)

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

On motion of Representative LaVERDIERE of Wilton, was **SET ASIDE**.

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

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An Act Relating to Licensing Board Fee Caps  
(H.P. 1267) (L.D. 1718)  
(C. "A" H-326)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

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

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

The same Representative presented **House Amendment "A" (H-407)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-326)** and **House Amendment "A" (H-407)** in **NON-CONCURRENCE** and sent for concurrence.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Make Refusing a Blood-alcohol Test a Crime"

(S.P. 392) (L.D. 1288)

Signed:

Representatives:

- POVICH of Ellsworth
- O'BRIEN of Lewiston
- BLANCHETTE of Bangor
- QUINT of Portland
- PEAVEY of Woolwich
- GERZOFISKY of Brunswick
- MITCHELL of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)** on same Bill.

Signed:

Senators:

- McALEVEY of York
- O'GARA of Cumberland
- DAVIS of Piscataquis

Representatives:

- TOBIN of Dexter
- SNOWE-MELLO of Poland
- WHEELER of Bridgewater

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-164)**.

**READ.**

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

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The following item was taken up out of order by unanimous consent:

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)** on Resolve, to Retain Direct Care Workers for Persons with Mental Retardation (**EMERGENCY**)

(S.P. 295) (L.D. 1006)

Signed:

Senator:

- LONGLEY of Waldo

Representatives:

- FULLER of Manchester
- BROOKS of Winterport
- DUDLEY of Portland

LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
LOVETT of Scarborough  
O'BRIEN of Augusta

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

Signed:  
Senator:  
TURNER of Cumberland

Representatives:  
SHIELDS of Auburn  
NUTTING of Oakland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-161)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-161)** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-147)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make Refusing a Blood-alcohol Test a Crime" (S.P. 392) (L.D. 1288)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ACCEPTANCE** of either Report.

On motion of Representative POVICH of Ellsworth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

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The following item was taken up out of order by unanimous consent:

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Amend the Physical Force Justification Laws"

(H.P. 545) (L.D. 700)

Signed:  
Senators:  
McALEVEY of York

O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:  
O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
TOBIN of Dexter  
PEAVEY of Woolwich  
WHEELER of Bridgewater

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

Signed:  
Representatives:  
POVICH of Ellsworth  
QUINT of Portland  
SNOWE-MELLO of Poland  
MITCHELL of Vassalboro  
GERZOFKY of Brunswick

**READ.**

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. This is the child-beating bill that is before us now. It is an effort to put some restrictions on the amount of force that a parent can use when disciplining a child. It doesn't have to be a parent. It can be the boyfriend acting in the role of a parent. What the bill does is to say that if you are going to hit that child in the name of discipline and you choose to use a stick or a belt or a switch or some other tool, you cannot do it so hard that you leave a bruise.

This bill is before the body. I brought it forward with great sensitivity to the difficulties of being a parent. It is the most challenging of roles in our lives. It is the most rewarding of roles. People need to have the right tools to do the job. Those tools include patients, understanding, love, dedication, consistency and occasionally a firm hand. That firm hand is not prohibited by this bill. This is simply a limitation on the type of tools that a parent can use. I would urge the body to reject the Ought Not to Pass and move forward with an Ought to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. This was an 8 to 5 report from the Criminal Justice Committee. As you can see, all three Senators are on the Ought Not to Pass report. I am also on that side for two or three fairly good reasons. I was a schoolteacher for 30 years. In the last 10 years, middle school students, high school students became quite knowledgeable of the Maine state laws. I could see where this would be a litigation nightmare for foster children and stepparents. It is one thing to tap a 3 year old, but it is another thing to break up a family ruckus amongst 15 and 16 year olds. Each case would be different. I think Maine has a rich history of fairness and responsible parenting. I think this bill, if passed, would be a slap in the face to those responsible parents. I hope you would support the Ought Not to Pass motion. Thank you Mr. Speaker.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I need to call your attention to the report. You can see I am on the Ought to Pass report. That is in error. I am definitely on the Ought Not to Pass report. I believe

that this bill is a dangerous bill. It could easily be taken off. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I ask you to reject the Majority Ought Not to Pass Report. I find it amazing that the State of Maine has a very different set of rules for foster parents. They are not allowed to use any force at all. We are saying that biological parents can beat their children so badly that they can leave bruises. For us sitting in this room, we find that amazing. What parent would do that? I am willing to bet that many of us come from homes where there was love, concern and that we learned to handle our frustrations, not through force. I was only last week that this body talked about domestic violence. There are parents who do not know their strength. There are parents, there are boyfriends, there are jealous women who do not care about the damage that they inflict on children. Your public schoolteachers do see it. It is frustrating to be a teacher and have a child use language at you that you would not allow your own child to use in a home. This law does not protect children the way the state has decided we will protect our children. There is a standard here. I would ask you to reject this and go on and say that parents, if you want to use a firm hand, that is okay. Tools to beat a child will not be allowed. It leaves a bruise. These are children we are talking about. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 700, I am glad the Representative from Old Orchard Beach, Representative Lemoine, brought this forward. I think it is a discussion that needs to be made in 2001. Maybe 100 years ago in 1901 it was customary to take a switch to your child if they were naughty. I believe in the mid '50s I was threatened with a switch a lot. It was always my brother's fault, but I got part of that switch.

This bill specifically excludes the use of a stick, a belt or any hard or solid object from the permissible and justifiable use of a reasonable degree of force by a parent or other responsible person when disciplining a dependent person if the use of the stick, belt or other hard or solid object causes a bruise on the dependent person. That is the summary. What you can still do is you can give your kid a spank, but use your hand. Don't use a weapon. Please reject the current motion. Thank you very much.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. We are not talking about responsible parents here. We are probably not even talking about 90 percent of parents who raise children successfully through a variety of different methods that they choose to do in their own homes. We are talking about parents who don't have boundaries.

I have had the opportunity to work with homeless teens, kids at the Youth Center, kids living on the street, kids from Maine. These kids are not on the street because they want to be. Many times they are on the streets because they come from violent homes. They come from homes that are extremely abusive. If any of you remember the homeless video for teens last session, there was 17-year-old boy in that video who left home. The story that he told was when his parents went out, he and his brother took food from the cupboard because they were hungry. His father had told him not to. As soon as his father came home, he took him outside in the woods, picked up a club and beat him. There was a girl who I met serving food at the teen shelter. Her father used to beat her so bad with the belt, not the leather part,

but the part that had the buckle, until she would bleed. I knew a kid in Cottage 6 at the Youth Center whose mother used to burn him with a cigarette and then beat him with a belt. That is really not okay. If you go with the theory that discipline is good and the use of violence on your children keeps them in line and keeps them at home and makes them study and makes them do all of the things that we hope that they will do, these kids would not be on the street. Many of these kids would not be in the Youth Center. Firm discipline is needed. Violence, abusive beating and battering is not okay. What happens is exactly what we see. They end up on the streets. Young women end up with older men because they have no other place to go, but it is safer to be there than at home. I would ask you to forget about how many of us grew up at home and how we remember either the ruler or the father's belt. I never remember a bruise.

The reality of it is there are several of our children and youth who are in danger every day because they are beaten with some type of instrument. I would urge you to vote against the pending motion.

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

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

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

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

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

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Could somebody please tell me the definition of bruise, please? Thank you.

The SPEAKER PRO TEM: 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 Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Ladies and Gentlemen of the House. The term bruise has generally been determined to be a black and blue hematoma, some physical mark left on the body as a result of the hitting. It is something short of scarring, which is the current legal threshold. Thank you.

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

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

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

Representative **TRAHAN**: Mr. Speaker, Colleagues of the House. How is it any lesser of a crime to use your hands to beat a child senseless without leaving any marks on them then to have probably a bruise on the rear end of a child? I would like to have somebody answer why that is less violent and would be less of a harm on a child than a bruise left on the rear end of a child?



The **SPEAKER PRO TEM**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to answer that question. That sort of a conduct would be a crime.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. That was exactly the point I was trying to make. Right now if a parent goes overboard and beats their child. They can have their child taken away from the home. I think that to do something like this that tries to determine which way you punish your child is violating the law or another way is not, then you set up this standard that is very difficult to apply. I think this law, although it was well intentioned, may be setting up a real problem out there by saying that one way to discipline your child is okay and one is not when both could be very damaging to that child. I ask this body to be very careful with moving this forward. Thank you.

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

Representative **QUINT**: Mr. Speaker, Ladies and Gentlemen of the House. I think there is a big difference between a hand and a club, a belt with a buckle, a frying pan or a switch. When someone uses an instrument to beat a child until they are bruised, I think that that is not okay. There is the argument that someone could continually beat their child with their hand and bruise them and suffer the consequences. We are not talking about disciplining kids, we are talking about the use of violence and extreme force to leave bruises or marks on a child. If any of you think that the Department of Human Services can take a child from someone's home instantly because someone suspects there is a bruise on that child, you had better think twice. The ability for DHS to remove children from homes strictly because they are bruised one or twice, there are several reasons for that and normally DHS will opt to the parent's explanation. I think it is important to remember that we are not talking about discipline here. We are not talking about someone who spans their child with their hand and leaves a small bruise. For any of you who have seen battered children, there is a big difference between a bruise with a hand and a bruise with an instrument. Bruises with instruments tend to be deeper. They tend to be bigger. The broken blood vessels and things like that tend to be much more severe than with the use of a hand. Usually if you use a hand, the bruise resembles in some aspects that of a palm and with fingers. If you are grabbing, your fingers tend to have a tendency to leave a mark. If you are spanking someone, the bruise tends to resemble the palm of your hand. If you use a club, switch or belt, those bruises also tend to resemble that instrument unless, of course, it a child who is two, three, four or five and their body is so small that you can't differentiate between what instrument was being used. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. In my three years, I do not believe in the same debate at the same time I have risen twice. I urge you to vote no on this and go on to pass the Minority Report. We do excessive force for our police. We do excessive force for everything. These are children being beaten by adults. In the schools we call it bullying when somebody bigger than you are goes after you. We talk about domestic abuse. We talk about teaching

adults how to have conflict and resolve it peacefully. I agree with the good Representative Trahan that if I could vote on this bill that allowed a hand not to be used too I would. I teach middle school children. I have to find a way to discipline them. It takes logic, passion, compassion and it takes understanding. Most parents possess that, but our job is to protect every single child. The state has absolutely no problem in telling foster parents what is acceptable use of force. Normal adults would understand that. We are trying to protect children. Sometimes that means that adults need to have some helping hand from the government. This is a time when physical abuse is being put onto our children and we wonder why children are coming into our schools with guns. We wonder why our children are beating other children. If you have seen it every night, then why is not okay for them? I urge you to please reject this motion in front of you. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I think you might have missed my point. What I am trying to say to you is that to go to an excess with your bare hands to bring blood or bruising upon a child should also not be acceptable whether it be with a switch, belt or otherwise. The point I would like to make to you, ladies and gentlemen, is basic discipline of children is a very difficult issue in that if we say one way is okay and one is not, then I think that we are really setting a dangerous precedent. Let's as a body say that to go too far and create this damage, whether it be with your hands or otherwise, is wrong.

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

Representative **COTE**: Mr. Speaker, Members of the House. I, myself, agree with the good Representative Sullivan. Let's vote against this pending motion and let's go with the Ought to Pass. The reason why I speak on this bill is that I, myself, have experienced as a child what it is like getting beat to a point where you have to go to school with a pillow tied to your butt because every blood vessel and vein in your butt was broken because of excessive force with a paddle, with a baseball bat, lunch pail, dishes and pots and pans. I know what it is like. I have been there. I am glad I am here today to be able to tell and speak about it and to prevent it from ever happening to another child. I, myself, have a 15-year-old. Until this day, he will tell you that I have never laid a hand on him since he was born. He has never had a bruise or a mark from me. I have been there. I have had them on me. I swore it would never happen to my own child. I believe in a firm spanking of a child is reasonable. There is a point of an open hand and a fist. Yes, a sensible parent knows to the level of their force. I urge my fellow colleagues to follow my light and go against the pending motion. Thank you.

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

#### ROLL CALL NO. 150

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Bruno, Bryant, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Dunlap, Duprey, Fisher, Foster, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, Mayo, McDonough, McGowan, Mendros, Michael, Michaud, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, Perkins, Perry, Pinkham, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bull, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hall, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, McGlocklin, McLaughlin, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Simpson, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Bliss, Bunker, Jones, Koffman, Landry, Matthews, McKee, McKenney, McNeil, O'Brien JA, Peavey, Stedman.

Yes, 76; No, 61; Absent, 14; Excused, 0.

76 having voted in the affirmative and 61 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Amend the Laws Regarding Investigations by the Commission on Governmental Ethics and Election Practices"

(H.P. 1020) (L.D. 1369)

Signed:

Senators:

WOODCOCK of Franklin  
BROMLEY of Cumberland  
DOUGLASS of Androscoggin

Representatives:

ESTES of Kittery  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
DUNCAN of Presque Isle  
MAYO of Bath

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

Signed:

Representatives:

LABRECQUE of Gorham  
CHIZMAR of Lisbon  
COTE of Lewiston  
HEIDRICH of Oxford  
PATRICK of Rumford

**READ.**

On motion of Representative TUTTLE of Sanford, 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.

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

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)** on Bill "An Act to Amend the Laws Governing Elections"

(H.P. 1243) (L.D. 1686)

Signed:

Senators:

BROMLEY of Cumberland  
DOUGLASS of Androscoggin

Representatives:

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

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

Signed:

Senator:

WOODCOCK of Franklin

Representative:

LABRECQUE of Gorham

**READ.**

On motion of Representative TUTTLE of Sanford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

(H.P. 145) (L.D. 156)

Signed:

Senators:

PENDLETON of Cumberland  
LEMONT of York

Representatives:

MUSE of Fryeburg  
CHICK of Lebanon  
SULLIVAN of Biddeford  
LEMOINE of Old Orchard Beach  
USHER of Westbrook  
BULL of Freeport  
ASH of Belfast

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

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

VOLENIK of Brooklin  
PINKHAM of Lamoine

McNEIL of Rockland

**READ.**

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

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Change the Noncommercial Scallop Diving Season"

(H.P. 111) (L.D. 115)

Signed:

Senators:

EDMONDS of Cumberland  
PENDLETON of Cumberland  
LEMONT of York

Representatives:

CHICK of Lebanon  
VOLENIK of Brooklyn  
PINKHAM of Lamoine  
ASH of Belfast

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-393)** on same Bill.

Signed:

Representatives:

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

**READ.**

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

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

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Amend the Lobster Licensing Laws"

(H.P. 366) (L.D. 468)

Signed:

Senators:

PENDLETON of Cumberland  
LEMONT of York

Representatives:

MUSE of Fryeburg  
SULLIVAN of Biddeford  
VOLENIK of Brooklyn  
LEMOINE of Old Orchard Beach  
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-395)** on same Bill.

Signed:

Representatives:

CHICK of Lebanon

PINKHAM of Lamoine

ASH of Belfast

**READ.**

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative **PINKHAM**: Mr. Speaker, Men and Women of the House. I ask you not to vote for the Ought Not to Pass on this. This is a bill that we have heard similar bills to this in the past few years, but back in 1995 the state set up an apprenticeship program where the only way a person can receive a lobster and crab license to catch lobsters is by going through a minimum of a two-year apprenticeship program. At the time when the program was set up, it was set up that only commercial lobster fishermen would be the people to take handle the apprenticeship program. When it was set up some of us questioned, what if these full-time fishermen, licensed fishermen, didn't want to take anyone? What would happen then? They said that that would never happen. It has happened now. There are places in the state where the full-time fishermen who control the apprenticeship program have refused to take anybody except family members. It is leaving people out that want to get licenses. It is leaving them on the back burner and they can't apprenticeship with anybody because nobody would take them.

The Legislature actually created this problem and I think we need to take care of it. This bill, if you go by the Minority Report, it would allow anybody who had a license for two years, the department would waive the apprenticeship program. They would still have to go on a waiting list to get a license. At least they wouldn't have to go through the two-year apprenticeship program. We created the problem and now I think we have to deal with it. I am asking that you vote against the pending motion. When the vote is taken, I request a roll call.

Representative **PINKHAM** of Lamoine **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 Belfast, Representative Ash.

Representative **ASH**: Mr. Speaker, Men and Women of the House. I can tell you some horror stories on the way the law reads today that has come in front on me on this bill. What I have tried to do here is to amend it so that people holding a license can get put onto the waiting list of the apprenticeship program. If you have held a lobster license for a couple of years, I don't see the need to have to go on as an apprentice. What this bill does is it allows you to just get onto the list, not at the head of the list, but on the list. I have a story of a fisherman and his wife, the wife does the bookwork and takes care of the licensing, she forgot to renew his license. He has been fishing for over 20 years. He is out right now. He has to go apprentice and it could be with a fellow who has only held a license for a couple of years. Here is this guy that has fished practically all of his life and there is no place for him to go. That was by a mistake of not getting it filed in time for his license. I just feel that something has got to be done in this nature to allow these people that once held a license to at least be put back onto the list, not at the head of the list, but on the list. That is just one story. I have people from Portland and Washington County who can't even get anybody to take them out as an apprentice. I think that something ought to be done. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. I hope that you will support the Majority Ought Not to Pass. For those of you who have not been steeped in the ways of lobster management, let me give you a short primer. The way that we manage our lobster resource has changed in recent years. It is no longer a free for all go to the ocean, take everything you can as quickly as you can hope that the resource survives long enough to let you make your mortgage payments. We have gone into essentially a managed fishery. It is done through a limited entry process. It is managed in zones up and down the coast and a lot of self-government is involved. These lobstermen, in many ways, govern themselves. We heard from many of them at the public hearing and all but one were opposed. They appreciate the value of the existing system. The existing system does draw some tough lines. There is a limited entry process. Not anybody can get into the fishery because we are trying to manage the resource so that it sustains the livelihoods of those who now depend on it. That is the bottom line value of the current system. This bill would undermine that limited entry process by opening up the availability of the fishery to people who have perhaps fished distantly in the past and they, because of the current value of lobster and the apparent profitability of the industry, want to get back in. This is not the time to undermine the fundamental governance and restrictive fishing approaches that we put in place several years ago. Those approaches are working. It is good conservation. It is good business for the vast majority of the fishermen in this state and it is good policy for us to continue. I hope that members will continue that policy by supporting the Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Men and Women of the House. It is good business for the people with the licenses because they are controlling who gets in 100 percent. There has got to be some kind of rules or regulations that are being violated here somewhere where you can have the people making 100 percent of the decisions who gets in are the people who are in now. Nobody else has anything to say whether you get a license or not, except for the people that are holding the commercial licenses right now. It is only natural that they wouldn't want anybody else in because it is a competitive fishery. I still say there is something wrong when they control who gets in and who doesn't because they hold the licenses. I ask you to vote against this pending motion.

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

Representative ASH: Mr. Speaker, Men and Women of the House. I am going to say it just one more time and this will be the last you hear from me on this. It is like if you hold a license for any profession and those people being able to rule new people into that profession or not, it is like the fox have the key to the henhouse. When they say zones, all the zones are not open to allow apprenticeship into them. The zones are controlling how many they allow in and when they allow them in. This was all done under conservation and I don't know, but something has to be done. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. When the Legislature set up this system five or six years ago, a lot of us were nervous that when the apprenticeship program was set up we asked that question, how is somebody

going to get in? The captains of the boats are the ones that have to decide. Usually the idea of an apprentice system came from the old country and the old continent where young people learned under the tutelage of the wise crafts people. This is kind of a forced system. Sure enough, a lot of our qualms at that time have come true here. The system is patently unfair, I think. This, at least, would be a step in correcting that so that if somebody had made a mistake and not bought their license and they had already fished for a couple of years, why on earth, rationally, would one have to go through the apprenticeship program. It is just a little way of correcting something that is fundamentally flawed, I think. We tried to go to limited entry here, but we didn't do it fully like some states. Alaska, New Zealand, Australia and a lot of the West Coast, they went to true limited entry. At least there, you can argue against it, it kind of goes against the grain of a lot of us in Maine, but at least in those places, you want to go fishing, you can buy a license. You can trade on the market. In this system that we have set up here, you can't get in unless practically you are a relative of somebody that is in. It has to be corrected.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. Just a short note. At the public hearing I believe we had five people speak against this. There was only one that we had information about who was unable to find apprenticeship. We believe there may have been particular circumstances there. Everybody else who spoke simply wanted to avoid having to go through the standard process of apprenticeship to get back on the list. Avoiding that two years of work to get back on the list on a limited entry fishery is really what is at issue. It is not anything else. Again, I hope the members will support the existing and successful policy of the state and that is to sustain a limited entry approach. 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. 151

YEA - Berry RL, Blanchette, Bouffard, Brannigan, Bruno, Bryant, Bull, Bunker, Canavan, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hawes, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McLaughlin, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien LL, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Brooks, Buck, Bumps, Carr, Chick, Clark, Crabtree, Cressey, Daigle, Dorr, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Goodwin, Goolley, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jodrey, Kasprzak, Ledwin, MacDougall, McGowan, Mendros, Michael, Morrison, Murphy E, Nass, Nutting, Paradis, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Smith, Snowe-Mello, Stanley, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Chase, Koffman, Landry, Marrache, Matthews, McKee, McKenney, McNeil, Muse C, Muse K, O'Brien JA, O'Neil, Peavey, Stedman.

Yes, 71; No, 63; Absent, 17; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 17 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 Not to Pass** on Bill "An Act to Amend the Laws Governing Registration of Voters" (H.P. 936) (L.D. 1250)

Signed:

Senators:

BROMLEY of Cumberland  
DOUGLASS of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-387)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham  
COTE of Lewiston

**READ.**

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

Representative GOOLEY of Farmington **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 Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. Last November 7, we all went to the polls and voted. I suspect in the towns of Smithfield or Alna or Oakfield or Pattern or wherever the small municipality in Maine was, these towns do not have a problem with same day registration. Small towns don't have a problem with that. There would be no problem with 48 hour pre-registration. In many of Maine's municipalities, there is a problem with same day registration. The orange flyer, which you received on your desk late last week, tells why there is a problem with same day registration. Last November there were 650 same day registrations in Farmington. That is one per minute and 600 of the 650 same day registrations were UMF students. Many were bused to the polls around the corner in UMF vans. Of course, the new registrations could be challenged but that would only delay the voting for those already registered and in line to vote. This doesn't make for happy voters. Registered voters should be happy with a 48 hour pre-registration. The bottom line is that the law allowing same day registration creates an unacceptable situation in a number of municipalities around the state. I urge you to vote against the pending motion and go on to accept the Minority Report.

I did receive information from several municipalities. One being the City of Saco and you have that information on your desk about the problem there. The clerk at the City of Saco said it would be very beneficial if we had a period where we no longer

would accept registrations and could put all our energy in attending to absentee ballots and making sure that the polls are prepared for Election Day.

In the Town of Orono, I received information from them. They said that November 7, 2000 was quite a burden to the office. They registered over 1,200 new voters on Election Day alone. Most of these registrations were from Ward 1 Precinct, which is the university precinct. In the Town of Farmington, the clerk said that it was frustrating to hear comments, like I forgot my absentee ballot from my state so I am here now at school and here is my piece of mail to show where I live. Other comments like, don't worry about registering here and financial aid as you just go back home and reregister there. They support having the pre-registration of 48 hours.

I would urge you today to vote against the pending motion and go on to accept the Minority Report. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I hope that you would support the Majority **Ought Not to Pass** Report. We had a similar piece of legislation that was defeated a few weeks ago and I think this issue before us today is on similar lines of the initial legislation required that persons would register to vote no later than 30 days, but I think it has been expressed to the membership and it has been amended to 48 hours.

I think that if this bill would pass, I think it would have a negative affect on limiting access to the ballot box. I think this would have a significant negative impact on high voter turnout rate that we have historically had since the passage of the registration on Election Day law. There is no problem, which necessitates this proposal. I think this requirement as from our testimony at the public hearing, it probably would violate the equal protection clause.

At the hearing there were many people who testified against the bill. I think the only one who testified in favor of the bill was the proponent or the sponsor of the bill. We received testimony from the League of Women Voters. I will paraphrase briefly. It says, "Allowing citizens to register to vote on Election Day as Maine has done successfully for over 20 years eliminates the hurdles and barriers to citizen participation in the election process and increases voter turnouts. Like other states that also allow same day voter registration, Maine generally has a voter participation rate that is 10 to 25 percent higher than states without voter registration." From the information we received from the Secretary of State, it mentioned that in 1972 through bipartisan effort, the change was rendered in 1972. I think Maine ranked 21<sup>st</sup> in voter turnout since the passage of voter registration on Election Day. Maine has always been either number one or number two. I would hope that we would encourage this continued participation. I would ask that you support the Majority **Ought Not to Pass** Report from the committee.

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

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

Representative **LABRECQUE**: Madam Speaker, Ladies and Gentlemen of the House. I stand and urge you to vote against the pending motion. We have talked a few times so far this year about making some sort of changes in election laws that we have here in Maine to help do away with some of the fraudulent things

that seem to happen. This, in my opinion, would be one small way to be able to address issues of do we really have a true resident before us who is registering to vote today as well as voting today?

In larger municipalities, and particularly in municipalities where there are colleges, we have lines of people waiting to register and vote on Election Day. It is a confusing time. It is sort of like running through a mill, if you will. You do not have the opportunity to do the proper checks and balances that you do in an off time. Yes, we have a big voter turnout. The one state that we seem to be in contention with is Minnesota. They do not allow people to register and vote on the same day. I don't honestly believe that that would have an affect on voter turnout.

My final point is with the understanding or the thought that if you don't really think that person actually lives in your municipality, then you may challenge the ballot. That is fine, but that person still registers, still votes and the only time that ballot ever comes into question is if there is a contested vote. That is not a real good time to be addressing whether or not that person is an actual resident of your municipality. There have been cases where people have registered in multiple municipalities and voted multiple times. These cases are of a very low priority within the Attorney General's Office. You do not see them come forth. We heard and we received testimony of individual cases. I am not going to read a long list of them. I would ask you to please consider this as a step towards ending the possibility of people, number one, being able to vote in several locations and, number two, of having a person who actually isn't a resident of your town voting in your town. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Thomas.

Representative THOMAS: Madam Speaker, Men and Women of the House. The good Representative from Farmington, I heard him mention that what we currently have is an unacceptable situation. However, I want to present a different unacceptable situation. That is restricting any Maine citizen's ability to register and vote at all for any reason. I know that during my campaign I campaigned where there were many college students. I registered over 1,000 people to vote with my campaign committee. I know that even more people came to the polls to vote after that. All these people wanted to do was to take part in democratic tradition. I find it ironic on the day that it could be a symbol of our proud democratic heritage, we would restrict anybody's right to register to vote.

During our campaign I know that the town clerks came out and helped us. They made sure that things ran smoothly. They made sure that the cards were filled out right and that it was efficient and timely and we got the majority of the voter registration cards in and there was no problem at all.

I guess it was five years ago now that I registered to vote in Orono the day of the election. I registered and voted that same day. Whether or not I was a real resident of Orono, I don't know. I plan on living there indefinitely at this point and it doesn't matter if I registered on that day or any other one of the other 364 days that I could registered on. I am a resident. I consider myself a resident and have no plans to move back to Old Town where I graduated high school. If we have problems with voter fraud, we need to have legislation that addresses voter fraud, not restrict a person's ability to go out and register to vote where they live. If they live there for nine months out of the year, I think that they should be considered a resident. These people have no idea what is going on in their hometowns. I didn't even know who was running for city council in Old Town. I knew all of the Orono candidates personally. I would just submit that and hope that you would consider supporting the majority Ought Not to Pass motion.

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

Representative COTE: Madam Speaker, Colleagues of the House. I rise because I am on the opposition of the bill. I am on the Ought Not to Pass. I rise today because I feel that everybody has a right to vote and register to vote the same day as elections. I am rising to recant my vote of Ought to Pass to Ought Not to Pass. When we dealt with this in committee, and when we decided on the Ought to Pass, I looked at the amendment and I felt the amendment was a good thing. As I think back, I wish I would have never gone Ought to Pass because I feel everybody should have the right to vote no matter if it is the same day or two days later. I urge you to go ahead and vote for this motion because everybody should have the right to vote on the same day. Thank you.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. Some of you may not know, I went to Bates College. I have had two children, my daughter and one of my sons graduate from Bates College. I would say at least 60 or 70 percent of the Bates College students are from Massachusetts. My brother also graduated from Bates. Bates is based in Maine, but basically is a Massachusetts school. When these students vote in Lewiston elections, maybe they are not voting in Massachusetts, but there is no proof that they are not either. We all have heard of Mayor Curly in Boston, vote early and often. It gives them the occasion to do wrong. There is no proof that they are not voting twice. I sometimes wonder just what stake in Lewiston politics Bates students have. I am very proud of it. I am a graduate. I am not certain Bates college students really should be voting in Lewiston elections. Think about it. Their interests and their home is in Massachusetts, most of them. Do they go home and vote? We don't know. We need some new laws here because I guess all the college towns are having the same experience, Portland, Farmington, Orono, Waterville, Lewiston and so on. I think it is something seriously to be considered and I am going to vote the way I feel on this bill. Thank you very much.

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

Representative BLANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. I feel this is a bill that we need to support the Majority Ought Not to Pass Report for a number of valid reasons in my mind. One, I come from a community that has three colleges in it and one federal job corp. The students that attend those colleges are there for four years and some of them longer at the job corp. The laws that are passed in this House and in this Senate and every municipal election throughout my district have a direct affect on these young people's lives. Many of them, we go out of our way to try to retain them, keep them in the community, turn them in to productive people that will work and continue to work. My municipal offices in the City of Bangor remain open until 8:00 at night, a full week and a half before the election. There is a continual constant stream of people going in within the last week or week and a half before the election to register to vote. On Election Day where the line never stops, our City Hall opens at 8:00 in the morning and at 8:00 at night we had 200 people standing in line. Today's society does not allow a whole lot of free time for people to go down and stand in line until the last gun is fired. That is exactly when most of the students are going to do it. They need to be involved in government. They need to be involved at the state level, the city level and the county level. They are the leaders of tomorrow. Like the good Representative from Orono, when he registered five years ago in Orono and he

served in this House very, very proudly today and represents the constituents that go to the University of Maine and all of the citizens in the Town of Orono very ably. I think this motion should be defeated. If we suspect voter fraud in any voting poll in the State of Maine, we have a very able Secretary of State, we have a more than competent attorney that works for the state and they can launch an investigation. If new laws need to be written, stopping duplication of voting here or in Massachusetts, then so be it, let this body pass the laws that protect voter fraud. Don't close the polls to the people that don't have time to go a week and a half before the election to register. Until the bell rings and the poll closes, it is your constitutional right to cast your vote for the candidate of your choice. Let's not diminish that right.

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

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

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

Representative MENDROS: Madam Speaker, Men and Women of the House. I am curious what would happen to somebody who turns 18 on Election Day? How would they be affected by this if this were to pass?

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 Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. If the bill passed, they would not be able to vote. While I am on my feet, just a point of clarification, current law already requires that anyone who registers to vote during the 10 business days before an election or on Election Day, must register in person to show proof of identity and residency to register. If a person cannot show satisfactory proof to register, the person is allowed to vote, but must vote as a challenged ballot. The challenge process preserves the voter's right to vote but it provides a mechanism pursuant to a recount for the validity and the challenge ballots to be determined if the number of ballots is significant to affect the outcome of an election. Also, if the reasons for this bill is to prevent fraud, I would remind all of us that the Attorney General's Office Investigative Division is award of no substantial cases of voter fraud in Maine due to the Election Day registration. Even if such a case should surface in the future, Maine law, if administered as it is currently written, provides through the challenge process the mechanism to identify and discount fraudulent votes. Thank you Madam Speaker.

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

Representative TRACY: Madam Speaker, Colleagues of the House. Being a former assistant town clerk in the Town of Rome and have dealt with many elections over the years and registering people on the same day, once not having any complaints from anybody by doing this and never once, to my knowledge, ever having anybody committing fraud. I would say there is an old cliché, if it isn't broke, don't fix it. Thank you.

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

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. Current Maine law allows an individual to register to vote six months prior to his or her 18<sup>th</sup> birthday. That card is held by the town clerk and on their birthday it is officially put into the records. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I would just like to make a few comments about some of the things that have been said here over the last couple of minutes. One would be that the turnout rate in Maine for voting may be higher than other states, but the cost has been the loss of control of challenging potential voters. Also, this bill does not restrict anyone from registering to vote as long as a person pre-registers within 48 hours. Also, proper identity is a very loose concept when an addressed envelope will qualify. I would just like to say that in Farmington the college turned out a lot of students to vote a few years back on the school budget. I certainly heard about that, I can tell you. I am not sure what this says about conservatism, but the students were organized. In Farmington, as I mentioned, the property owners weren't too impressed. Thank you very much.

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

#### ROLL CALL NO. 152

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

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Madore, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Chase, Koffman, Landry, Matthews, McKee, McKenney, McNeil, Peavey, Stedman.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

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Majority Report of the Committee on UTILITIES AND ENERGY reporting Ought Not to Pass on Bill "An Act Authorizing the Public Utilities Commission to Award Restitution to Customers Damaged by Inferior Utility Service"

(H.P. 715) (L.D. 930)

Signed:

Senators:

FERGUSON of Oxford

CARPENTER of York

Representatives:

RINES of Wiscasset

BERRY of Belmont

DUNCAN of Presque Isle

BLISS of South Portland

HALL of Bristol  
 CRABTREE of Hope

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)** on same Bill.

Signed:

Senator:

TREAT of Kennebec

Representatives:

SAVAGE of Buxton

PERKINS of Penobscot

GOODWIN of Pembroke

McGLOCKLIN of Embden

**READ.**

Representative SAVAGE of Buxton moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **SAVAGE**: Madam Speaker, Men and Women of the House. As amended this bill provides electricity and other utility consumers an opportunity to select voluntarily mediation in the Public Utilities Commission after they have gone through the existing complaint process at the Public Utilities Commission. This is an amendment that does vary in great detail from the original bill. I want to point out that it does not create an adjudicatory function for these kinds of cases at the PUC. It creates a mediation process. If someone has been harmed by a utility or they claim to be harmed by a utility in an amount that is the same amount or less than the amount, that they would be able to go to small claims court for. If we don't pass this bill, life will go on. People who have been harmed by utilities will continue to go to the PUC. The existing complaint process provides them a way of seeking an opinion on the part of the PUC as to whether or not the utility was at fault, but currently, without this bill, the ratepayer who claims to have been harmed, has to go to court in order to achieve any sort of financial restitution for the harm they claim has been caused. This bill does not allow the PUC to provide that restitution to the harmed utility customer. What it does is it says that after you have gone to the PUC, but before you go to the court, you have a chance to mediate. I think that that is a good thing because it allows people to have their complaint resolved in one place without having to go from the PUC, which is a fairly substantial process over to a court, which is another fairly substantial process. It allows for that opportunity to resolve it. I know most of the utilities, they will tell you this, they reach a resolution in these cases quite often. I am trying to move this one step further to provide that resolution in the same place as they started in the PUC. I urge you to support the Minority Ought to Pass as Amended Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Men and Women of the House. I feel very uncomfortable standing before the House in opposition to my good friend, Representative Savage. Nevertheless, I do speak in opposition to the current motion. I ask for members to vote against the motion and to go on and get rid of a bill, which despite Representative Savage's best efforts to water down its gravest problems, nevertheless the majority of the committee feels it is unnecessary. This bill is a solution in search of a problem. It attempts to take a process for small claims, which currently is essentially a two-step process for the majority of complaints against utilities and make it into a four-step process. The two steps that existed presently for most complaints are that first, a customer goes to the utility, states

their complaint and 99 percent, approximately, of all such complaints are resolved at that stage in a negotiation between the utility and the customer. The few that are not resolved, in most cases, will go straight to small claims court where they are quickly and expeditiously resolved. What this bill is seeking to do is create an intermediately two-step process. It seeks to have first, the PUC investigate complaints and secondly, after investigation to refer those complaints it considers merited to a mediation process. If the mediation process is not successful in satisfying the customer, the customer will then continue on to small claims court as before. The majority of members from both parties and from both houses on this committee felt that it was an unnecessary additional step and that thank members to vote against the motion presented by Representative Savage. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Madam Speaker, Men and Women of the House. I stand with my good friend from Bristol and support his motion to vote against the pending motion on the floor. It is the duplication of services and it does put an extra workload on the PUC where it is already overworked. All the time that we were hearing testimony on this bill, we never once heard of anyone coming in and saying that we went to get help or we went to take care of this problem, no one ever came forward and said there was a problem that wasn't rectified. I, too, believe it is a bill looking for a problem. I would request that when the vote is taken, we do the yeas and nays. Thank you Madam Speaker.

Representative **RINES** of Wiscasset **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **PERKINS**: Madam Speaker, Members of the House. I am on the minority here. For those who say this is a solution looking for a problem didn't look through the file we had in front of us on the committee, letters from constituents complaining about the situation. Unfortunately, I think most of them were from my district. Certain parts of the Town of Surry and parts of Eastern Blue Hill have had unmitigated problems with one power company down there over the last 10 years. There are fireballs going across the room and blown appliances. It is still happening. There are metering devices to see how many outages there are during the day. It has been a real problem down there. You know in your own districts whether it has been a problem and if it hasn't, it probably will one day. These people down there have been very frustrated about getting reimbursed and reconstituted in their lost equipment. Thank you.

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

Representative **BERRY**: Madam Speaker, Men and Women of the House. We had before us in the last session LD 735, which is a bill similar to this dealing with the same type of problem format. Yes, we do recognize that in the Ellsworth/Brooksville area, there were power problems that dealt with a line known as Line 10. Some of those problems have now been resolved even though there still seems to be some situations with that system.

Let's talk about the problem. Let's talk about statistics that I do have related to CMP and their line. There were 545 customer complaints in the CMP district last year. Of those 545 complaints, 7 people went to step one at the PUC for resolution.



The good Representative from Bristol related to this being the step in the process. Seven of the 545, all others were resolved prior to that step even occurring. We move to the next step, which is small claims. Only three of the 545 went to small claims. Of those three, zero were awarded any claim by the court.

We have a court system. The PUC is not a court. I think it is important to realize that twice now we have looked at this. Even though we look at an amendment that brings it downward, it still is approaching the same situation. Resolution is possible, ladies and gentlemen, through three steps. You directly with your power company, you directly with the PUC Consumer Affairs and you directly with the court. You have 50 accessible points of civil action that are available to you in the court system of the State of Maine. They are close to you. You do not have to come to Augusta to have it dealt with. In most cases with the consumer affairs group at the PUC, I think most cases where legislators have come to me or people have come to me with respect to help, that issue has been dealt with at the PUC if it had not already been dealt with by mediation within the companies themselves.

I would ask you to join the Ought Not to Pass group on this. Defeat the motion that sits on the floor and let's move forward. Thank you.

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

Representative **SAVAGE**: Madam Speaker, Men and Women of the House. I agree with the good Representative from Belmont that there are three steps in the process, you with the utility, you with the PUC or you with the court. All we are talking about here is the section about you and the PUC. That process already exists. There is already a complaint process. There is already an investigatory process. Let me just explain to you why that is so important to the person in your district who has lost their TV or their refrigerator. When you go to the third step, you and the court, in order to prevail, you have to prove certain things. You have to prove the wrongful conduct of the utility and you have to prove that there was a causation relationship between that conduct and what happened to you. I urge you to think about your constituent sitting in court trying to prove that causation relationship without having first gone to the PUC to talk to the PUC about whether or not the utility did anything wrong in the first place. All I am asking you to consider is that all we are talking about in this Minority Report is that second step, you and the PUC, adding one little piece of mediation at the request of your constituents, not mandatory. Thank you.

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

Representative **BLISS**: Madam Speaker, Men and Women of the House. I, too, sit on this committee. I rise to support the views of the good Representatives from Wiscasset, Belmont and Bristol. I would remind you of some of the figures that have already been quoted. Those figures are that over 99 percent of all complaints are settled before anything even gets as far as the Public Utilities Commission. The utilities are very interested in having satisfied customers and are very interested in solving these problems. I did read the letters that the good Representative from Penobscot referred to and it is unfortunate that most of those letters come from folks in his district. When I came here as a new Representative, not very long ago, one of the first rules that was drummed into my head was that less law is better than more law. This is a case where we probably don't need a law just because there are concentrated issues in one particular district with one particular utility. This is a case where nothing is needed to make the process continue to run as

smoothly as it already runs. I would urge you to vote down the Ought to Pass as Amended motion so that we can then vote down this proposal. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Madam Speaker, Men and Women of the House. I rise in support of the present motion. Utilities should be held responsible for actions that cause damages to customer's property. The current system favors utilities by forcing customers to seek court action in most cases. It forces the customers to act. The customers have no choice in who provides transmission services and the state should provide an easy accessible recourse if that service damages customer's property. We found in a public hearing far too many unclosed loops in the electrical system. This does not just occur Down East. It occurs in the north and it occurs in Kittery. There are unclosed loops in the electric service. These are dead end houses in the loops where all power that is left in a line goes to the last house. Those are power surges. We also have the brown outs that occur and it starts at the end of the line. These brown outs and surges burn out pumps, microwaves, refrigerators and furnace motors and there are far too many people that lose property and do not get reimbursed. This bill hopes to establish and start the process of correcting that problem. We are asking the Public Utilities Commission to get involved in the investigation, mediation and the third item that has not been mentioned here today is the sunset. This bill will be repealed October 1, 2003 with the commission directed to provide a report by January 1, 2003, giving us nine months after the report to either keep this commission going, keep the study going and keep the law in place. That is all we are asking when we are asking you to go with the Ought to Pass as Amended version. Do something right for the people of Maine. I thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 153

YEA - Ash, Berry RL, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Collins, Cote, Cowger, Cummings, Dudley, Dugay, Duplessie, Etnier, Fisher, Gagne, Goodwin, Green, Hatch, Hawes, Jacobs, Lemoine, Lessard, Lovett, Mailhot, Marley, McDonough, McGlocklin, McGowan, Michael, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Neil, Paradis, Patrick, Perkins, Pineau, Pinkham, Povich, Quint, Richardson, Savage, Simpson, Skoglund, Smith, Sullivan, Tessier, Tracy, Tuttle, Twomey, Volenik, Watson.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chick, Clough, Colwell, Crabtree, Cressey, Daigle, Davis, Desmond, Dorr, Duncan, Dunlap, Duprey, Estes, Foster, Fuller, Gerzofsky, Glynn, Gooley, Hall, Haskell, Heidrich, Honey, Hutton, Jodrey, Kane, Kasprzak, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lundeen, MacDougall, Madore, Marrache, Mayo, McLaughlin, Mendros, Morrison, Murphy E, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Brien LL, Perry, Richard, Rines, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tarazewich, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Bunker, Chase, Jones, Koffman, Landry, Matthews, McKee, McKenney, McNeil, Peavey, Stedman, Wheeler EM, Mr. Speaker.

Yes, 58; No, 78; Absent, 15; Excused, 0.

58 having voted in the affirmative and 78 voted in the negative, with 15 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Amend the Law Pertaining to the Solvency of the Unemployment Compensation Fund"

(H.P. 218) (L.D. 253)

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)** on same Bill.

Signed:

Representatives:

MacDOUGALL of North Berwick  
DAVIS of Falmouth  
CRESSEY of Baldwin

**READ.**

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

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 10, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT** – Majority (8) **Ought Not to Pass** – Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-169)** – Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

(H.P. 119) (L.D. 123)

**TABLED** – April 26, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the Minority Ought to Pass Report. I would ask for a roll call on this issue. I

believe that this issue is very important to a number of our constituents. I believe very much threatens our constituents ability to have influence over their government. The petition, initiative and referendum processes, all those processes to either propose referendum or to veto an action by the Legislature, I think that those mechanisms have a very tough threshold. They are very difficult to achieve now and by adding this requirement, I find it even more burdensome.

I received one call that I thought that was of particular interest, which was from a resident down in South Portland. They were remarking about some of the legislation that we do pass in Augusta. They referenced the auto emissions testing that the Legislature had first initially applied only to Cumberland County and thought, in reference to me, that it would be a tough sell to go to all of the counties in Maine asking to collect signatures on an issue that only affected Cumberland County. That is why the initiative process is written the way it is because sometimes these issues that we vote on in the Legislature or the issues that we don't vote on, don't take into account the whole state. They sometimes single in on one county. I urge your vote against the pending motion.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought to Pass as Amended** Report.

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the current motion. LD 123 is a bill that I put in, back in January. It has finally worked its way up on the calendar. It has been amended. It is not as it was in what you may have in front of you. The amendment replaces the original bill by amending the statutes governing circulation. It requires that petitions circulated in 10 of the 16 counties, the number of petition signatures collected in those counties must equal 5 percent of the vote for Governor cast in that particular county in the last gubernatorial election. There have been some polling done on this particular issue. I believe you have a yellow sheet, which was passed out a few minutes ago. The polling was done by two different groups, one side was done by Chris Potholm and his group and the other side was done by More Information. Both groups operate out of the Portland area and both show that roughly 57 percent of the Maine citizens favor some type of change to spread the gathering of signatures beyond more than one county.

We had, this past fall, in November, an issue on the ballot that had 90 percent of its signatures collected from one county and 10 percent from a second county. The rest of the counties in this state were not touched when the signatures for that particular referendum issue were collected. I, personally, did not think that was right when I found out about it in the fall. I agreed with myself, I was not asked by anybody as has been stated that I could be a stalking horse for one or more groups that are supporting this. That is incorrect. This was my idea. It was also the idea of at least one other because there were mandatory cosponsors on this particular piece of legislation. I feel that it is not a major requirement. If something goes on the ballot for the people of this state to vote on, it should have wide support and not the narrow support of one or two counties. I would urge that you accept the **Minority Ought to Pass as Amended** Report. Thank you.

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. I, too, encourage you to support the Ought to Pass report that is pending before you. The information that the good Representative from Bath, Representative Mayo, has passed out, I think is confirmation on what I think many of us have felt for a number of years. I am not opposed to the direct democracy process, but I think what I am opposed to, however, is how the current process has been used by a few at the expense of many. I think that these proposals are not a reflection of the will of the people as intended by the original adoption of the process in 1907, but the will of few individuals who use the process for their own discreet purposes. Maine's referendum process, in my opinion and the opinion of many of us who have been on the Legal Affairs Committee was designed to work as an infrequent and last resort to allow direct expression of the popular will. Well into the 1980s, Maine's initiative process was used very conservatively. Unfortunately over the past decade, the process has been used by a few individuals who have learned how to harness the process to further their own particular agenda. As we have seen in many cases, these individuals or groups show a disdain for all other types of the political process and having been the chair of the committee the last few years, I think many of you should attend those hearings. I can humbly say, at best, they are rude. They are ignoring the Legislature and preferring instead to return again and again with proposals that paralyze rather than enhance the democratic process.

It is also important for this Legislature to know that there have been changes to the referendum process in the past. The statutory change to allow people at the polling places was added in 1987, not many of us realize that, but it was changed in 1997. The provision reducing the time of validity of signatures was also recently amended in 1997. The Legislature, in my opinion, needs to wrestle with the important issue of how to stop this abuse for reasonable reforms. There are changes that can be made to preserve the direct democracy process while limiting and, hopefully, ending overuse and abuse of the process.

As many of you know, I have been involved with the initiative process on the local level myself on a number of occasions. I have been involved with the petition process on the statewide level on issues that I have concern about. I think we have to have an equal balance, ladies and gentlemen. I think what I have seen recently, the balance is not there. We are hoping that through this bill and others that the balance is put back into place. Thank you.

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

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

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

Representative **KASPRZAK**: Madam Speaker, Ladies and Gentlemen of the House. How many citizens' referendums have actually made it through the process to the ballot in the last 10 years, to anyone who might answer?

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 Rumford, Representative Patrick.

Representative **PATRICK**: Madam Speaker, Men and Women of the House. I really can't give you the 10-year total,

but I can tell you that in last 30 years, 31 have reached the process.

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

Representative **TRAHAN**: Madam Speaker, Men and Women of the House. First of all, I would like to say that I question the quorum that might be here. I would just like to say to the body that it just seems a little bit self-serving when I hear people stand and say that they are afraid that minorities will have a big impact on the system. I will tell you why. As many of you know, there are special interest groups that put in legislation almost daily to this body to serve their special interests. The only opportunity that citizens have to counter some of those self-serving bills that are out there by special interests within our body today is to go through the citizen's petition. I, myself, have fought referendum processes and questions on the ballot on many occasions. That is our job, ladies and gentlemen, when we take part in the democratic process. We allow minorities, even one individual who has an idea, to come before this body with a bill. It is our job to hash that bill out. If it is a bad bill, we can vote it down. If it is a good bill, we put it into legislation, but to try to shut down the citizen's voice on a Legislature and a body that already has special interests here trying to influence it, it really seems a little hypocritical. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Madam Speaker, Ladies and Gentlemen of the House. I am asking you to vote against the pending motion and to pass the Majority Ought Not to Pass Report. I recall knocking on a lot of doors during my campaign for three opportunities to serve here. If you knock on doors like I did, on occasion, I ran into a citizen who was discouraged, absolutely frustrated with government. I live in a district where we usually get between 70 and 76 percent of the registered voters out at the polls. People are interested in politics. They are interested in government. There are a percentage that are frustrated. If we continue to put roadblocks that make it difficult for Maine citizens to participate in our government, we are only going to increase the numbers of those people who are frustrated. It is not a question of whether you win or lose, it is a question of being able to play. Please vote down the pending motion.

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

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I came to this body with probably only one bias. As a papermaker in a paper mill, I came here with a little bit jaded idea of the referendum process and I was worried about our industry. Sitting on the Committee of Legal and Veterans Affairs has opened my eyes and has also changed my mind on an awful lot of things. One is not to change what seems to be working. Some of the facts that I have heard over the course of the three or four months we were in committee were problems other states had, perceived problems we have in Maine. I heard how in Oregon they had 28 citizen initiatives in one year and then someone came up and said that in Maine, believe it or not, we have 31 in 30 years. I am saying to myself that the scales of justice are not too good about the fulcrum point, but I think we are pretty well even. Maine is not having a major problem. I listened to the testimony on this bill and this happened to be the day I will never forget because in some respects reminded me of when the truckers were in the Transportation Committee debating their bill. I saw 200 or 300 of them there. On this bill, it happened to be the most people that showed up on any one issue in our committee. Out of those people, I don't have the facts for the amount that showed up supporting the bill, but it was probably 3

to 1 against. I do know in my notes that I have that 34 people spoke in opposition. I had hoped to go home by 4:00 that day, but if my memory recalls, I kind of made it around 6:00 that night. They adamantly stated that they did not want to see this change. As a matter a fact, at the start of it, I had originally signed on the committee in favor of this, but in talking and thinking and researching and doing all my reading and soul searching, I said to myself there was no way I would support this. In actually, there is no way will I support hardly any changes whatsoever in the referendum process. I thank you very much.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, contrary to what may have been said earlier, does have considerable support. Let me read you part of a list of groups in the State of Maine that do support LD 123 as amended, Maine State Chamber of Commerce, Sportsmen's Alliance of Maine, Maine Restaurant Association, Maine Forest Products Council, Maine Snowmobile Association, Maine Bow Hunter's Association, the Retail Lumber Dealer's of Maine, Maine Osteopathic Association, Maine Auto Dealers, Maine Petroleum, Maine Merchants, Maine Motor Transport, Maine Professional Guides, Maine Trappers, Biotech Association and the Wild Blueberry Commission. There are also others. This bill is not just the brainchild of those of us who are supporting it, it does have wide support within the State of Maine currently. Thank you.

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. One has to ask the question, where is the problem? It seems in the last several years there has been a constant barrage of bills to change the citizen's referendum process. I notice that the original bill was a resolution proposing an amendment to the Constitution, however, the Minority Report is trying to do it through statute. If you look at the present law, 21A MRSA 903 and look at the different provisions in the statute, the statute actually dovetails different sections of the Constitution. It will be interesting to see a legal opinion of whether this amendment is properly before the body seems how it is trying to do some change in the Constitution through statute as opposed to referring to a section explicitly of the Constitution. Having said that, however, that is not my main argument.

I do have a problem with this amendment changing it from a resolution from the original bill. As far as different people supporting this initiative, there is always somebody supporting something. One of the issues I heard back home at one time dealing with hunters was there were some hunters concerned with a lot of people coming from out of state that didn't have a hunting tradition and somehow getting a citizen's initiative to end hunting rights. I explained or tried to point out to that hunting friend of mine, which I am a hunter also, that there is a huge number of hunters in this state. Even the ones who gave up hunting, have a hunting tradition. The odds of that happening, his fears being realized, are practically nil.

As we saw in the last cycle of referendums, the citizens were quite adapt at disposing of referendum issues. As far as going from different segments of the state and getting signatures off on one section. As everybody knows, different sections of the state had different concerns. Why shouldn't a session from the northern part of the state get a petition affecting an issue that basically deals with the problem they are confronted with, as opposed to, the urban areas? They can then present that to the committee of the whole, if you will, all the citizens in the state to see whether the citizens will support that effort. It is the basic

right of citizens to petition their government. I hope that we would vote against this pending motion.

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

Representative **O'BRIEN**: Madam Speaker, Ladies and Gentlemen of the House. The interesting thing about the individuals who turned out to express their view in regards to this bill is, in fact, the people that you would suspect would turn out. They are the ones who have worked long and hard in regards to the citizen's petitions in the State of Maine. We had the known individuals and what they wanted us to know is that any method or means to restrict their ability to have the same right to petition us now is what they want to continue. Yes, we did have to hear their points of view because they felt that, somehow, I hope we don't do it, that we, as a Legal and Veterans Committee, were hearing this bill with the idea of changing how they would be able to initiate their petitions. Over and over and over we know, as people have already expressed, that different individuals come to us. It might be a singular thing that is going to benefit them. It might be a group thing. It might be something to benefit their whole city. They have all of us all the time, because, in fact, we do represent our constituents. We represent the people within them and they are varied. However, the ones who want to do a citizen's petition usually are not favored by all of the other parties because what they want to do is to change something. What the people were saying that came to us that day and truly it was not a 20 minute session and yes, we did have to have security up there because some of those people are not well loved, they are not even well like, but they are Maine people just as we are. I loved the fact that they were so true to form we would expect them to say X, Y and Z and they did say X, Y and Z. They wanted us to know, don't change the system. Truly, I hope today that when you vote, you don't change the system. Thank you.

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

Representative **MURPHY**: Madam Speaker, Men and Women of the House. Two years ago on a very slow afternoon during a session, I had gone down to the Law Library and one of my primary interests in history is the progressive era. I had gone back and looked through the Legislative Record at the debates and step after step until finally the referendum process was enacted, and even on the day in which it was enacted, there was an extension of that debate not to include the ability to, by initiative, do constitutional amendments. That is the only restriction that exists on the right of the people.

We heard and we have seen the handout on our desks of the long list of groups or special interests that support this. I think if you went through and checked the authorship of all the different bills, the hundreds of bills that appear before us, they have access to the legislative process. They introduced hundreds of bills to protect themselves, in some cases to give themselves monopolies or in some cases special advantages. They have the right to initiate legislation. They can turn to us or they can turn to a Governor for a bill.

There is just one standard that exists. That is a certain percentage of the gubernatorial election, the previous one. That is where the problem is. In the last few gubernatorial elections, we collectively, all of us, have fielded candidates that many of our fellow citizens stay home. They turn out for the presidential, but tens of thousands stay home on the gubernatorial election. If we can make those elections more competitive, the threshold rises. I think the founders of this initiative foresaw the involvement of Maine's citizens to a greater degree rather than a lesser degree or withdrawal. Several of my pieces of legislation that I put in had just my name on it. I didn't seek out a cosponsor. There is no limitation on us that we need three, four

or 10 signatures. There is no limitation on us that in order to submit it, we have to have three other counties endorse that bill before it can be considered. One legislator can put in the bill with one signature. That is the rule for us. That is the rule that should exist in the initiative process for our citizens.

We got low turnout in the gubernatorial. That is a problem that as members of the parties, we need to change. Basically what has happened over the last few years is that there is one person who is a burr under everyone else's saddle. They are an irritation. We have had to fight public policy issues in the public, nothing wrong with that, speaking directly to the electorate and they have voted repeatedly. Like us, they listen to the facts. They think hard. They digest and then they come to the polls and vote. Because we have one irritant, one burr under the saddle, why should we restrict the rights of all Maine citizens when it comes to the initiative? Thank you.

Representative TRACY of Rome moved that the Resolution and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Resolution and all accompanying papers.

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

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

**ROLL CALL NO. 154**

YEA - Andrews, Annis, Ash, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Collins, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Dudley, Duplessie, Duprey, Estes, Etnier, Foster, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Kasprzak, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Marley, Marrache, Mayo, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Schneider, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Belanger, Bowles, Bruno, Chizmar, Clark, Clough, Crabtree, Cressey, Daigle, Desmond, Dugay, Duncan, Dunlap, Fisher, Goodwin, Gooley, Jodrey, Labrecque, LaVerdiere, Ledwin, Madore, Mailhot, McDonough, Michaud, Morrison, O'Brien JA, Paradis, Pinkham, Rines, Rosen, Sherman, Shields, Tessier, Tuttle, Weston, Young.

ABSENT - Bagley, Baker, Chase, Koffman, Landry, Matthews, McKee, McNeil, Peavey, Stedman, Wheeler EM.

Yes, 104; No, 36; Absent, 11; Excused, 0.

104 having voted in the affirmative and 36 voted in the negative, with 11 being absent, and accordingly the Resolution and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on May 2, 2001.

- In Senate, **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

TABLED - May 4, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **FURTHER CONSIDERATION**.

Representative SKOGLUND of St. George moved that the House **ADHERE**.

Representative RICHARD of Madison moved that the House **RECEDE AND CONCUR**.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

Representative SKOGLUND of St. George **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative KANE: Madam Speaker, Men and Women of the House. The LD 622, "An Act to Eliminate Smoking in Maine Schools and on School Grounds" is a children's health care bill. Make no mistake about it. It is children's health care. Last week or the week before, I am not sure when, our esteemed colleague from St. George regaled us with an eloquent soliloquy about the inconvenience that might be imposed on workers while they are working on school grounds. This bill is not about accommodating workers who may spend part of their day on school grounds and who may be occasionally inconvenienced. It is about protecting the health of our children who spend a good part of their lives on school grounds. It is about protecting the health of our children and grandchildren who attend elementary, junior and high school. It is about sending a message to them that smoking is not something that ought to be part of their normal lives.

I urge you, if you haven't already, to take a look at the handout that was circulated, the orange handout, which gives some very substantial facts promoted by the Maine Coalition on Smoking or Health. We have passed legislation and allocated millions of dollars from our tobacco funds to inform, educate and treat children regarding the hazards of smoking. We are spending hundreds of thousands of dollars on TV ads, literature and smoking cessation programs to protect our children. It seems to me that the temporary inconvenience that may be imposed on adults who work occasionally on school grounds, that same inconvenience that applies to all smoking restricted from public places, that this restriction is a small price to pay for protecting the health of our children. Let us be consistent in the message that we send our children. Smoking is to be discouraged. We already have laws that prohibit smoking in most public places. The space where our children spend so much of their lives is at least as important as these other public places. We are all accustomed to adapting to restrictions regarding smoking. Please let us not back off from our commitments to kids. This is very serious business. Please support the motion of the Education chair to Recede and Concur. Thank you Madam Speaker.

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

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

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

Representative SULLIVAN: Madam Speaker, Men and Women of the House. This is a serious question. In some communities the recreation department is responsible for the baseball and softball fields and the recreation department will

keep up all of the grounds and line the fields, do they become school property or municipality property?

Representative **BROOKS** of Winterport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **SKOGLUND**: Madam Speaker, Ladies and Gentlemen of the House. In the absence of the other descending member on the Education Committee, the good Representative from Hartland, Representative Stedman, as many of you know, he was an outstanding athlete and champion of rights for children and children's safety and health. He and I were the descending members. I can't speak entirely for Mr. Stedman, but speaking for myself, if I could discourage children from taking up smoking by setting a better example, I would. I don't think that children learn necessarily their bad habits from examples. They don't need examples. They can make up their own bad habits. Where do they learn to put those rings in their eyebrows, noses and tattoos all over their bodies? That didn't have to look at disreputable adults to learn to do that. No. I think we have taken somewhat of the wrong turn when it comes to discouraging children from smoking. Through education we have cut down amazingly on the number of adults who smoke. The more we pressure children to stop, it seems the more they do it. It is the children's jobs, the job of young people, to be as rebellious as possible and to push as much as they can. The more we stress, no, no, no, you must not do that, I think the more we are going to lose on that. I think it pays to let up a little bit, take it easy and make progress gradually. We don't have to stamp everything out all at once at the same time. I hope that you will vote to follow my light. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Madam Speaker, Ladies and Gentlemen of the House. I don't know what ever happened to allowing school districts to make their own rules on smoking. That is what I would favor.

To anyone who can answer, if anyone drives onto the school grounds smoking a cigarette in their car or if they are waiting for their child, are they in violation of this law? Thank you.

The **SPEAKER PRO TEM**: The Representative from Winterport, Representative Brooks has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Madam Speaker, Men and Women of the House. I think it is important for us to take a look at the overall intent of this bill, which is to deliver a message to kids that smoking ought not be a normal part of their lives. There may be somebody driving on school grounds or waiting for a child that is the exception. I am sure somebody is not going to be prosecuted every time they go on school grounds with a cigarette.

When we passed the law prohibiting smoking in restaurants, we weren't sending everybody to jail because they walked into a restaurant with cigarettes. Look what has happened over just a short period of time after all of our restaurants were determined to be smoke free. Everybody is now thriving. My colleague from St. George mentioned that education is critical in educating and teaching our children. Let's not pretend that modeling behavior is not a significant part of education for children. We happen to have in Maine right now the worst record for teenage smoking. Anything that we can do to prevent children, to stop children from being enticed to begin that first cigarette, is going to encourage them not to take up the habit, protect their health and protect all of us who are spending millions of dollars now in attempting to

treat and help kids stop smoking. Let's not underestimate the power of example. Thank you Madam Speaker.

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

Representative **DUNLAP**: Madam Speaker, Ladies and Gentlemen of the House. I think to paraphrase one of the closing statements of my friend from St. George, Representative Skoglund, that it is better not to ban everything outright. I think I would probably be a little bit more comfortable with this bill if it was that honest and sought to ban smoking outright, because that is essentially what this is about. It has nothing really to do with kid's health because as the Representative from Saco, Representative Kane, intimated, it is questionable whether somebody sitting in a car smoking could or could not be subject to prosecution under this legislation? It would probably be up to the discretion of an enforcement officer and I think that would be somewhat of an item for the newspapers to take care of. I think it really is not anything to do with smoking by children. Children are already prohibited from smoking by law. Thinking about the snowplow driver plowing the parking lot at 5 o'clock in the morning, under this proposed legislation, that person would be in violation of the law if they were smoking on school grounds in their truck. When we did the restaurant smoking bill a couple of years ago, I was remarking somewhat facetiously to one of our former colleagues at the time that if I went through a drive thru at MacDonalds and got myself some food and was smoking, would I be in violation of the restaurant smoking law, because essentially I was on restaurant grounds? The reply was, someday you might be. I think we are edging closer to that. I agree that we should do everything we can to prevent children from smoking, but let's call this bill what it is. It really has nothing to do with children smoking. It is really about whether or not we think anybody should be smoking. I think that is the subject of probably a different piece of legislation. I would urge you to vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Madam Speaker, Colleagues of the House. I rise to say that our good Representative Skoglund and I don't always vote the same way. We do have some things in common. We do a lot of thinking on issues and we do meditate. We do this so that we can come to our conclusions. One of these confusions is smoking on school grounds. Students on the soccer fields, students playing baseball, usually have good audiences. That means parents and friends come. I have actually witnessed the fact that they do a lot of smoking. What is left are butts on the school grounds and this is what the students see when they leave their games. I think that is not a good example for any adult to set for the students. The more they see that we, as adults, don't care about this, the more they won't care. I do think it is a health issue, but it is also a moral issue. I hope we take that into consideration.

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

Representative **MCKENNEY**: Madam Speaker, Ladies and Gentlemen of the House. No one in this body would argue that smoking is good for you. We all know that is bad for you. In our zeal to stamp out smoking everywhere in typical fashion, we have gone too far. We have over reached. This bill would ban smoking in buildings that are owned or leased or contracted for by an elementary or secondary school. That means private property. The Cony High School Hockey Team plays over here at a privately owned rink. They wouldn't be allowed to smoke in that building if it was leased or contracted for by Cony High School. I think this is a matter to leave up to local control. In

fact, I think it is probably already being done. Let's let local school boards and local towns decide this issue. Thank you.

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

Representative **DAIGLE**: Madam Speaker, Ladies and Gentlemen of the House. Listening to the debate on this issue reminds me very much of an experience of mine several years ago as a member of the operating committee for a large manufacturing facility. We wanted to ban smoking at our location. There was much hand wringing and agonizing over this decision about all the implications with contractors and workers and visitors and so forth. At the end of the day we just decided to be bold and to be what we were supposed to be, the bosses. I hope that is what do here, is the policymakers for the state. Just ban smoking. Those facilities are our facilities. We don't think smoking is a good idea so we just flat out ban it. If a contractor has a problem with that, fine, don't bid the job. Don't work for the school district. It is that simple. It is just a question of boldness and clarity and not be hand wringing any more than necessary about how upset people will be. Just do it. Thank you.

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

Representative **TRACY**: Madam Speaker, Ladies and Gentlemen of the House. I would just like to let you know what happens in SAD 47 where my wife works and which is our school district. The school board has already prohibited smoking on the grounds. This has, over the years, made the janitors and the secretaries have to go out into the public way so that they are actually off the school property to smoke. That is what we call local control. If they are doing it there and it is locally being done, furthermore, I would say that the children when they are out on recess could probably see the janitor or the secretary or whatever who has gone across the street into the public way to smoke, I don't think that this bill is really going to do anything to prohibit children from smoking. I would say that we should leave it at the local level. Thank you.

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

Representative **BLANCHETTE**: Madam Speaker, Ladies and Gentlemen of the House. Once again I guess I had to come to my feet to say this is a local control issue. The school boards that are in most of our towns are elected bodies, much as we are. The people go to the polls and they elect them and they put their faith in these people that they are going to protect their children as long as their children are on the grounds of the school. I have to make a correction that we own these buildings. It is my contention in most of my school districts in my area that the municipalities, in fact, own the school buildings. That means that the taxpayers in that municipality own the school buildings. The same taxpayers and the same voters that went to the polls and elected their duly elected representatives to the school board. My school board has banned smoking at all sports functions on any part of the school ground in the whole City of Bangor and it works very well. Nobody is going to be incarcerated and thrown in jail forever and the key thrown away if they are caught smoking in their car leaving the premises. A little common sense needs to come into play in this bill. We cannot play God to everybody. I know that we would like to stop smoking altogether. It is very evident what has happened in this House. We have been moved out to the very entrance that all of our school children come into this building to play pages and to see what happens in state government. Those of us sinners in this House that still choose to smoke are regulated to go out there so we have the pleasure of blowing smoke on every child that comes by. Common sense needs to prevail. Let local government rule local government. Thank you Madam Speaker.

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

Representative **MENDROS**: Madam Speaker, Ladies and Gentlemen of the House. It wasn't that long ago when I was a teenager. Some in this chamber probably think I still am. We all remember our teen years. We still remember kids that we had or currently have that are teenagers. My nephew is a teenager. I know the shortest way to get a teenager to do something is to tell them not to. The harder you push them, the more likely they are to do it. If you don't believe that, take a look at the State of Maine and the messages that we have sent. We have the strictest laws when it comes to teen smoking. We have the most aggressive enforcement to go after selling cigarettes to minors. We have the most expensive tax on cigarettes and we also have the highest rate of teen smoking. These messages are working, but I don't think they are working the way we want them too. Let's try to really solve the problem and stop sending messages. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Madam Speaker, Men and Women of the House. It is with great pleasure that I rise today to support the Representative from Saco, Representative Kane, on a smoking bill. The ride home will be much easier, I suspect. As many of you may have noticed, we are in the process, as a body and of a state, of regulating tobacco use. We are struggling with that. Many of us when we were growing up, smoking took place anywhere and everywhere. It was completely unregulated. We learned of the consequences of that. What we are doing now in this session is adding some of the contours to a policy we are moving towards of having smoking be available in some areas and unavailable in others. I was not in favor of taking smoking out of gambling halls, but I am in favor of taking it off the school grounds. It seems to me that if we are trying to pass out a reasonable state policy for how to handle cigarette smoke, a smoke-free zone in schools, is reasonable and I will support it. I hope you do as well.

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

Representative **PERKINS**: Madam Speaker, Colleagues of the House. I wish I could come up with a catchy acronym here for what I see as a syndrome to try to pass a state law when vast numbers of smart people all over the state are already doing something. We have already heard today that several of the school districts have elected officials who have already banned smoking on school grounds. Obviously, in my opinion, it doesn't need to be a state law. To anybody proponent of this bill that could answer, since we have heard that there are several districts that are already doing this very thing, why does it need to be a state law?

The **SPEAKER PRO TEM**: 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 Saco, Representative O'Neil.

Representative **O'NEIL**: Madam Speaker, Men and Women of the House. I very rarely would ever rise on a bill that comes not from my committee, but since the question was asked, I will take a stab. I have in front of me the cost of health care in Maine for the year 2000 blue ribbon commission on health care. The report that they put out in which they cite poor personal choices and the overall health care in the State of Maine as one of the biggest drivers in the high cost of health care that we have. While the report does not come up with any silver bullet to answer to the high cost of health care in Maine, it certainly does

point as the low level of health status in Maine. As we know, there are a handful of big causes, smoking, diet and fitness that are contributing to the high cost of health care because of the low level of fitness in Maine. In my estimation, Madam Speaker, in answer to the Representative from Penobscot's question, we, as a state, are in a position to set forth policy. We have at least since 1996 when I arrived here to set forth policy that does more than send a message. It sets forth real and concrete policy that says that this is where Maine should go. We have a concrete problem in that we are struggling with the cost of health care in Maine. One of the things we can do is to discourage smoking. This measure, this 11 to 2 report that we have before us, clearly discourages smoking. The Little League in Saco where my son Max plays came out with a new rule this spring. We all get a newsletter as parents at the beginning of the season. Be a good sport. We are here to learn. In the new rule was no smoking on the grounds of the Little League field. I thought that was neat. The local people got together and they had a collective decision to not smoke around the kids. I must say that I find it offensive when somebody near me smokes, more so than I did 20 years ago, because my consciousness has been raised on it. However, it did not come easily. There were people who dragged their feet on it. In fact there was dissent. In my estimation it is easier for a community to follow the lead of the state as a policy maker by citing the state as a policy maker and saying that if it is good for the state, then it must be good for us too. I will go along with this 11 to 2 report very easily, Madam Speaker.

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

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The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the current motion to Recede and Concur. The question was raised about why do we need to pass this law because some of the school districts are already doing it? I have been informed that 75 percent of our school districts already prohibit smoking on school grounds. It is the other 25 percent that are allowing smoking on the school grounds that sets a real poor example for our students in the schools. We need to do everything we can to reduce teenage smoking in the State of Maine. I urge you to vote for the current motion to Recede and Concur.

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

**ROLL CALL NO. 155**

YEA - Andrews, Belanger, Berry RL, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Estes, Etnier, Fuller, Gagne, Gerzofsky, Gooley, Green, Hawes, Honey, Hutton, Jacobs, Jones, Kane, LaVerdiere, Ledwin, Lemoine, Lessard, Mailhot, Marley, Mayo, McDonough, Murphy E, Muse C, Norbert, Norton, O'Neil, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Shields, Simpson, Stanley, Sullivan, Tuttle, Twomey, Watson, Weston, Young, Mr. Speaker.

NAY - Annis, Ash, Berry DP, Blanchette, Bowles, Brooks, Bryant, Buck, Bumps, Canavan, Carr, Clark, Clough, Collins, Crabtree, Cressey, Dugay, Dunlap, Duplessie, Duprey, Fisher, Foster, Glynn, Goodwin, Hall, Haskell, Hatch, Heidrich, Jodrey, Kasprzak, Labrecque, Lovett, Lundeen, MacDougall, Madore,

Marrache, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, O'Brien LL, Paradis, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Skoglund, Smith, Snowe-Mello, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Baker, Chase, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, Peavey, Stedman, Tessier.

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

65 having voted in the affirmative and 74 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

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

**SENATE PAPERS**

The following Joint Order: (S.P. 621)

**ORDERED**, the House concurring, that Bill, "An Act to Establish the Maine Firefighter Training Fund," H.P. 804, L.D. 1048, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 559) (L.D. 1721) Bill "An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 492) (L.D. 1581) Bill "An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

(S.P. 568) (L.D. 1732) Bill "An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)**

(H.P. 326) (L.D. 416) Bill "An Act to Improve the Services of the Saco River Corridor Commission" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1232) (L.D. 1679) Bill "An Act to Increase the Penalties for Animal Cruelty" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-423)**



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

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

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

(S.P. 479) (L.D. 1543) Bill "An Act to Reduce the Release of Dioxin from Consumer Products into the Environment" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

On motion of Representative CLOUGH of Scarborough, was **REMOVED** from the First Day Consent Calendar.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer this question, the LD is replaced by the Senate Amendment (S-178) in reading this, I want some assurance that this bill does not prohibit the burning of brush. Would somebody please answer that question for me?

The SPEAKER: The Representative from Scarborough, Representative Clough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Mr. Speaker, Men and Women of the House. It was the committee's intention to ban the burning of trash containing plastics. It has nothing to do at all, to my understanding, I am struggling to find the amendment on my desk, but it was not our intention at all to restrict that.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-178)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-178)** in concurrence.

**SENATE PAPERS**

Bill "An Act to Strengthen the Certificate of Need Law" (S.P. 619) (L.D. 1799)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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

**ENACTORS**

**Emergency Measure**

An Act to Fund the Endowment Incentive Fund

(H.P. 33) (L.D. 42)  
(C. "A" H-371)

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

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

The SPEAKER: The Representative may pose her question.

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. Just before we vote on this, I would like for someone to explain to me what exactly the Endowment Incentive Fund is?

The SPEAKER: 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 Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I will do my best to answer this question. The Endowment Incentive Fund is a program that was established in a previous Legislature. It was funded at a minimal level of \$100,000, I believe. It allows the university to establish some endowment funds and to assist in scholarships for Maine students. The Committee Amendment (H-371) recommends that the Appropriations Committee recommended at this point to fund \$100,000. The original bill requested \$14 million, which was the level they felt would really do some wonderful things for Maine students. I know that there are others that are certainly quite capable of speaking to this. I would encourage it. Thank you.

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

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. If I could add to the good Representative Berry's explanation of the Endowment Incentive Program, it also benefits besides the University of Maine System's seven campuses, it also go towards the technical colleges for each of those seven campuses to development their own endowment. It is a one to one match. The \$100,000 that was appropriated in the last session, that match was met very successfully by all of them. I forgot to add the Maine Maritime Academy. This is just asking for an additional \$100,000 so that they can raise those monies for each of their campuses. Thank you.

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

**Emergency Measure**

An Act to Provide Funding for a Low-flow Study for the Arostook Water and Soil Management Board

(S.P. 119) (L.D. 395)  
(C. "A" S-158)

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. 123 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program

(H.P. 717) (L.D. 932)  
(C. "A" H-361)

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. 114 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf

(H.P. 1187) (L.D. 1610)  
(C. "A" H-364)

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

**Emergency Measure**

Resolve, Requiring the Joint Standing Committee on Transportation to Study Passenger and Freight Rail Opportunities in the State

(H.P. 681) (L.D. 881)  
(C. "A" H-375)

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. 111 voted in favor of the same and 18 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Exempt from Use Tax Merchandise that is Donated to an Exempt Organization

(H.P. 64) (L.D. 73)  
(C. "B" H-360)

An Act Concerning Standardized Contracts for Long-term Care Services

(H.P. 157) (L.D. 168)  
(C. "A" H-379)

An Act Regarding Child Abuse and Neglect Investigation

(H.P. 166) (L.D. 177)  
(C. "A" H-380)

An Act to Allow Maine to Continue its Membership in the Northeast States Association for Agricultural Stewardship

(S.P. 85) (L.D. 305)  
(C. "A" S-159)

An Act to Continue the Donated Dental Services Program

(S.P. 161) (L.D. 505)  
(C. "A" S-157)

An Act to Implement Recommendations of the Joint Advisory Committee on Select Services for Older Persons

(H.P. 501) (L.D. 641)  
(C. "A" H-377)

An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Vehicle Inspection Fees

(H.P. 505) (L.D. 645)  
(C. "A" H-239)

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

(H.P. 540) (L.D. 695)  
(C. "A" H-374)

An Act to Increase the State's Share of Retired Teacher Health Insurance

(H.P. 550) (L.D. 705)  
(C. "A" H-366)

An Act to Require State Approval Prior to Introducing Wolves into Maine

(H.P. 581) (L.D. 736)  
(C. "A" H-348)

An Act to Establish an Ombudsman for Children and Families

(H.P. 609) (L.D. 764)  
(C. "A" H-376)

An Act to Promote Learning Through the Reading Recovery Program

(S.P. 287) (L.D. 998)  
(C. "A" S-156)

An Act to Appropriate Funds for the Capital Riverfront Improvement District

(S.P. 302) (L.D. 1049)  
(C. "A" S-155)

An Act to Amend the State's Overtime Law

(S.P. 314) (L.D. 1082)  
(S. "A" S-137 to C. "A" S-114)

An Act to Improve the Literacy of Adults in the State

(S.P. 320) (L.D. 1088)  
(C. "A" S-154)

An Act to Update the Maine Consumer Credit Code Regarding Rental-purchase Agreements

(H.P. 877) (L.D. 1156)  
(C. "A" H-368)

An Act to Provide Funding to Continue the State Meat Inspection Program

(S.P. 377) (L.D. 1215)  
(C. "A" S-153)

An Act to Make Improvements in the Budget Process

(H.P. 919) (L.D. 1233)  
(C. "A" H-373)

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

(H.P. 974) (L.D. 1298)  
(H. "A" H-358 to C. "A" H-217)

An Act to Establish the Maine Research and Development Evaluation Fund

(H.P. 988) (L.D. 1325)  
(C. "A" H-372)

An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry

(H.P. 998) (L.D. 1335)  
(C. "A" H-363)

An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions

(S.P. 472) (L.D. 1536)  
(C. "A" S-151)

An Act to Restore a Workers' Compensation Hearing Officer Position in Aroostook County

(S.P. 498) (L.D. 1585)  
(C. "A" S-150)

An Act to Further Protect the Rights of Persons with Mental Retardation or Autism

(H.P. 1184) (L.D. 1607)  
(C. "A" H-381)

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 Change Medicaid Reimbursement for Nursing Facilities

(S.P. 117) (L.D. 393)  
(C. "A" S-160)

Resolve, to Expand Access to Certified Nursing Assistant Training Programs

(H.P. 351) (L.D. 441)  
(C. "A" H-378)

Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program

(S.P. 401) (L.D. 1317)  
(C. "A" S-163)

Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

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

Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety

(S.P. 591) (L.D. 1766)

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 Increase Health Insurance Benefits for Retired Teachers

(S.P. 43) (L.D. 211)  
(C. "A" S-152)

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

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

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

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

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

**ROLL CALL NO. 156**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison,

Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bagley, Baker, Chase, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, O'Brien JA, Stedman.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program

(H.P. 745) (L.D. 964)  
(C. "A" H-382)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE**.

The same Representative asked leave of the House to be excused from voting on L.D. 964 pursuant to House Rule 401.12.

The Chair granted the request.

Representative MADORE of Augusta **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 157**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, 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, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Shields.

ABSENT - Bagley, Baker, Chase, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, O'Brien JA, Stedman.

Yes, 138; No, 1; Absent, 11; Excused, 1.

138 having voted in the affirmative and 1 voted in the negative, with 11 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Enhance Storage of Fish and Wildlife"

(H.P. 881) (L.D. 1173)

Signed:

Senators:

CARPENTER of York  
WOODCOCK of Franklin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-421)** on same Bill.

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

HONEY of Boothbay  
PERKINS of Penobscot  
McGLOCKLIN of Embden

**READ.**

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Create an Antlerless Deer Hunting License"

(H.P. 1058) (L.D. 1421)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-422)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

**READ.**

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

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

**ENACTORS**

**Emergency Measure**

Resolve, Establishing the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway

(S.P. 585) (L.D. 1761)

(C. "A" S-162)

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. 97 voted in favor of the same and 40 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent for concurrence.

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

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources

(H.P. 1305) (L.D. 1769)

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. 134 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Maintain Maine Quality Centers' Current Level of Services

(H.P. 570) (L.D. 725)

(C. "A" H-403)

An Act to Enforce the Taxation of Building Materials and Modular Homes

(S.P. 309) (L.D. 1056)

(C. "A" S-171)

An Act to Renew the New Century Program

(H.P. 1070) (L.D. 1433)

(C. "A" H-404)

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center

(H.P. 1201) (L.D. 1623)  
(C. "A" H-389)

An Act Making Technical Changes in the Marine Resources Laws

(S.P. 530) (L.D. 1653)  
(C. "A" S-169)

An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession

(H.P. 1268) (L.D. 1726)  
(C. "A" H-385)

An Act to Amend the Forester Licensing Law

(H.P. 1277) (L.D. 1737)  
(C. "A" H-396)

An Act to Clarify Certain Professional and Occupational Licensing Requirements

(H.P. 1278) (L.D. 1738)  
(C. "A" H-397)

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

(H.P. 1342) (L.D. 1796)  
(H. "A" H-406)

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.

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An Act to Reauthorize and Expand the Lobster Promotion Council

(H.P. 304) (L.D. 382)  
(C. "A" H-390)

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

On motion of Representative PERKINS of Penobscot, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 158**

YEA - Annis, Ash, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Chick, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Winsor, Young, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Carr, Chizmar, Crabtree, Cressey, Duprey, Foster, Glynn, Heidrich, Kasprzak, Labrecque, MacDougall, McKenney, Mendros, Michael, Murphy E, Nass, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman,

Shields, Snowe-Mello, Tobin J, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Bagley, Baker, Chase, Fisher, Goodwin, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, O'Brien JA, Stedman.

Yes, 104; No, 34; Absent, 13; Excused, 0.

104 having voted in the affirmative and 34 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act to Amend the Criminal Laws with Regard to Animal Welfare

(S.P. 386) (L.D. 1283)  
(C. "A" S-170)

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

On motion of Representative COTE of Lewiston, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 159**

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

NAY - NONE.

ABSENT - Bagley, Baker, Chase, Fisher, Goodwin, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, O'Brien JA, Stedman.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer, Firefighter or Emergency Medical Services Person Killed in the Line of Duty

(H.P. 1096) (L.D. 1465)  
(C. "A" H-384)

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

On motion of Representative COTE of Lewiston, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 160**

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

**NAY** - NONE.

**ABSENT** - Bagley, Baker, Chase, Goodwin, Koffman, Landry, Laverriere-Boucher, Matthews, McKee, McNeil, O'Brien JA, Stedman.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Establish the Maine Boating Safety Advisory Council" (EMERGENCY)

(S.P. 484) (L.D. 1574)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro

CHICK of Lebanon  
CLARK of Millinocket  
USHER of Westbrook  
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:

Representative:

HONEY of Boothbay

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

**READ**.

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

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)** on Bill "An Act to Clarify the Unlawful Use of Snowmobile Trails"

(S.P. 490) (L.D. 1579)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

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

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

Signed:

Representative:

TRACY of Rome

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176)**.

**READ**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-176)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-176)** in concurrence.

(H.P. 1346) (L.D. 1801)

**Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)** on Bill "An Act to increase Certain Civil Process Fees"

(H.P. 874) (L.D. 1153)

Signed:

Senators:

PENDLETON of Cumberland  
YOUNGBLOOD of Penobscot  
ROTUNDO of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-429)** on same Bill.

Signed:

Representatives:

KASPRZAK of Newport  
CRESSEY of Baldwin

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-428)** 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-428)** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**TAXATION**

Resolve, to Modify the State Valuation for the HoltraChem Property in the Town of Orrington (EMERGENCY)

Presented by Representative ROSEN of Bucksport.  
Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BUMPS of China, STANLEY of Medway.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1158) (L.D. 1558) Bill "An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 104) (L.D. 108) Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of High-stakes Beano and High-stakes Bingo and Expanding the Number of Authorized Games" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-439)**

(H.P. 182) (L.D. 193) Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-438)**

(H.P. 249) (L.D. 285) Bill "An Act to Reform Lobbyist Disclosure Requirements" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-440)** (Representative MAYO of Bath – of the House – abstaining)

(H.P. 941) (L.D. 1255) Bill "An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-437)**

(H.P. 1052) (L.D. 1415) Bill "An Act to Amend the Laws Regarding Harness Racing" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-441)**

(H.P. 1055) (L.D. 1418) Bill "An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-436)**

(H.P. 1098) (L.D. 1467) Bill "An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)**

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

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Statute  
Department of Education**

Representative RICHARD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education (EMERGENCY)

(H.P. 1345) (L.D. 1802)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**REPORTS OF COMMITTEE**

**Change of Committee**

Representative SKOGLUND from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Family Life Education in Maine Schools"

(H.P. 1180) (L.D. 1603)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**. (Representatives RICHARD of Madison, DESMOND of Mapleton, STEDMAN of Hartland, ANDREWS of York, and WESTON of Monmouth – of the House – Abstaining)

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Resolve, to Allow Coastal Municipalities to Regulate the Use of Personal Watercraft

(H.P. 990) (L.D. 1327)

Signed:

Senator:

LEMONT of York

Representatives:

MUSE of Fryeburg

CHICK of Lebanon

SULLIVAN of Biddeford

PINKHAM of Lamoine

USHER of Westbrook

McNEIL of Rockland

ASH of Belfast

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

Signed:

Senators:

EDMONDS of Cumberland

PENDLETON of Cumberland

Representatives:

VOLENIK of Brooklin

LEMOINE of Old Orchard Beach

BULL of Freeport

**READ.**

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative BULL: Mr. Speaker, Men and Women of the House. I rise to ask your support for the Minority Ought to Pass Report on this bill. A little background on this, just this past week we had a bill that came out of the Inland Fisheries and Wildlife Committee that was to implement the recommendations of the surface use on certain lakes and ponds. I believe we may have just enacted it today. What this is is an outgrowth of the ability that was given in the 118<sup>th</sup> Legislature to allow communities that have inland waterways, lakes, ponds, streams or what have you to petition for the ability to restrict the use of personal watercraft on those waters that fall within their municipal jurisdiction.

What this bill is is an attempt to transfer that authority to the coastal communities and the coastal waterways. This bill is very straightforward. It sets up a very detailed process mirrored after the inland waters that says that if an individual in a coastal waterway wants to have some outright restrictions on personal watercraft within their jurisdiction, they can petition their local form of government, town government, that local unit of government then holds a public hearing. The local form of government will then vote and if they vote to impose some restrictions, it then comes up here to Augusta. It would go to the Department of Marine Resources. The DMR would then pass those recommendations onto the Marine Resources Committee who would then report it out to the full House. This is the exact path that is being followed for the inland waters. This is the ultimate in home rule. It puts these decisions on whether or not to allow personal watercraft on coastal waters directly in the hands of the men and women in the towns that would be affected.

The argument is going to be made that local communities already have the authority to regulate personal watercraft. They are going to be citing the harbor master law. Please hear me when I say that while the harbor master law does allow some regulation of personal watercraft, this is nothing, this came right from the commissioner of Marine Resources, he stated this in committee during questioning that while there are rules in place that do allow some regulation of personal watercraft, there is nothing in the harbor master laws that allow the harbor master or the town to simply say we are not going to allow personal watercraft in these areas of our waterways. There is nothing in current law that allows an outright restriction or ban on personal watercraft within coastal communities along the coastal waterways. They can regulate their speed, their wake and what not, but if an individual comes through the town asking for an outright ban, there is nothing under current law that allows an outright ban to be done. That is what this bill would allow. It is home rule. It is from the bottom up. It allows the municipalities to make these decisions that affect them under the statements and request of their own towns people. I would ask you to please reject the pending motion, let us go on to accept the Minority Ought to Pass Report that will give the municipalities the ability that does not exist now to restrict personal watercraft on their waterways. Thank you very much Mr. Speaker.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. This bill is very different from what we have on fresh water. Lakes have definite boundaries by the very fact that they are fresh water. It is not true on coastal property. You can take Kennebunk and Wells. Where does the line end? Kennebunk puts forth a ban and Wells doesn't. There are federal laws to consider because the ocean is under a different



set of laws than inland waters. There is a harbor bill, indeed, Representative Bull from Brunswick, did, indeed, tell you about that. It is very easy to restrict if the problem is because there are young kids or older kids that think they are young out hot dogging around. You have a way to do that, to be able to regulate. You can control the wake just like you do for boats anyplace. You can control how many feet into shore or away from shore they can be. There are plenty of laws on the books. There are an awful lot of people on the coast, certainly tourism plays a pretty good part of our budget here, and there are marinas. They make money for the rental of these. All of a sudden we are going to go out and we are going to create another law. Come to vacationland. We have a problem here with local control on federal waters. It is a harbor master bill that already exists. You can control any of that. We have also put in, in fact, Marine Resources Committee, has something called our nuisance laws. If the personal watercraft is a nuisance because they are not following the rules of safe operation, then you need to deal with that, but you don't need to create a new law above and beyond.

I would also tell you that the Department of Marine Resources is opposed to this. The wardens are concerned about enforcement. We are creating another law so we can say that we have done something. We really haven't. I would ask you to go with the Majority Ought Not to Pass Report. Thank you very much.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I stand tonight to urge you to not accept the Majority Ought Not to Pass Report tonight, but rather to defeat the pending motion and go on to pass the Minority Ought to Pass Report. I have read the bill and I have a fair amount of experience in dealing with surface water uses and the regulations therein. Representative Bull's history is quite accurate. I won't reiterate it, but I will tell you that the system that we have put in place in the inland waters does work very, very well. In fact, it works so well that we went from having about five hours of debate on this four years ago to having virtually no debate on it this year. In fact, this day we enacted the recommendations for this year under the hammer. It is very, very important public process that we have established. I think that on the record it is important to give the Representative from Penobscot, Representative Perkins, all the credit for that public process because it was at his insistence that we included that in the original legislation to have it done at the local level with local input through public hearings to give the people who lived around those communities first say over what was happening in their own backyard.

With the submerged lands on the inland side, this is land held in common by all the state. All the citizens of this state have final say over how that is going to be used. That is why the final recommendations must be approved by the Legislature, which is also in the legislation before us.

In terms of the boundaries, I do agree with the Representative from Biddeford, Representative Sullivan, that that is something we do need to work out a little bit more closely. I think that if we can get beyond this motion that we could probably do that fairly effectively. I do believe that in many of the isolated circumstances with individual harbors and coves where such uses are not appropriate or could cause problems for safety, biology, habitat and just for general public peace that this is workable as written. I am not at all surprised by the way the department would oppose this. This is an administrative hassle. There is no question about it in terms of handling all the municipal recommendations and screening them and making a

report to the Legislature. It is a fair amount of work and within the Department of Inland Fisheries and Wildlife there is only one person that does it and they do that on top of all their other duties. On the inland side that is set to sunset next year and I don't think anybody in the State of Maine is waiting more anxiously for that sunset to occur than the person who handles all the recommendations from the municipalities. However, it does work very well. It protects all users. This is not simply about prohibiting jet skis. It is also about protecting the users of jet skis in the same public forum that those who find them offensive can participate in. It is protecting everyone's rights to use the waters of the state, whether they be inshore or inland. It is a very, very good process. It is truly democracy in action. It has worked very well. We do not rubber stamp these recommendations. I think that privately that has been an unfair accusation of the process as it has been handled by the Inland Fisheries and Wildlife Committee. I think we have rejected about 50 percent of the recommendations based on the parameters that were set forth in the legislation enacted in the 118<sup>th</sup> Legislature. It is a process that does protect all user groups. I urge my colleagues in the House to defeat the pending motion and go on and accept the Ought to Pass report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Men and Women of the House. I urge you to go with the motion Ought Not to Pass. When you are talking of jet skis on freshwater, the law that we have is not black and white between what happens on the freshwaters and what happens on the salt waters. Under the bill, if it passes, all the municipalities, all the adjoining municipalities, whether it is a town or city or another country, would have to agree that they wanted these regulations. If one of the towns that are joined, like Kennebunk and Biddeford, if Biddeford didn't want it, then Kennebunk couldn't have it. All the towns have to agree to this before it could go into affect. On the coastal waters, some of these municipalities are other countries. You are hundreds of miles away when you get going offshore. The ones on the shore are fine, but how are you going to get permission from another country. There are real problems with this. Right now, I am a member of the Maine Harbor Masters Association. We have all the powers right now to regulate these jet skis as we do any other boat or watercraft on the ocean. Why we can't single out one particular boat and ban it from the ocean like a jet ski is because there are federal laws against it. You can't do that. You can ban all of them in certain areas, but you can't single out on the coastal waters under the government regulations, you can't single out one type boat and say you can't use this boat, but you can use everything else. These jet skis right now, there are a dozen laws, in operation, to how you operate it and even to circling in tight circles. It is against the law. Chasing, you hear a lot about and harassing wildlife. That is already against the law. Imprudence speeds are against the law. Operating to endanger, speeding and everything that you do with those things, like any other boat, is already against the law. They say they are environmental hazards. I really don't think they are as tough on the environment as a regular boat because if they are jet powered, they skim along the top of the water. They don't have a prop or anything that goes down into the water to disturb the vegetation or anything like that. It is against the law to chase wildlife with them, just like any other boat. I think we ought to go with the Ought Not to Pass. They already can be regulated and they are regulated on the coastal waters. You can't ban them under federal law. You can't ban one particular type craft. Thank you.

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

Representative **ASH**: Mr. Speaker, Men and Women of the House. Regulations on your ponds and lakes, that is one thing, that is quite appropriate. When you try to put the same type of regulations onto a body of salt water, which men and women make their living on, the fear is if you start putting regulations on a particular type of watercraft, how long will it be before some of the summer residents on the coast will say that seven o'clock in the morning is quite early for that lobster boat to be going by the front of my house or that fellow with this outboard motor going somewhere to dig clams for a living. When you start getting into that aspect, it is quite serious. I would recommend voting Ought Not to Pass. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I wanted to clarify a couple of points. The point that my friend from Lamoine, Representative Pinkham, made was absolutely correct when you have a situation where municipalities share a body of water, whether it be on the inland side or the inshore side, if one of those communities disagreed with that proposed regulation, it simply would not take affect. That is protection of the users. That is something that we have also dealt with on the inland side. In those circumstances where it has occurred, the regulations have not gone forward and people have gone back and gone back to work and built some consensus on some different regulations. It is not necessarily about jet skis or wet bikes or anything else. On the inland side, we have dealt with some horsepower restrictions. Representative Pinkham, from Lamoine, is absolutely correct. We do have a body of law dealing with headway speed, the 200 foot zone, environmental regulations and what have you. I think this is probably addressing a certain type of activity regardless of watercraft, regardless of horsepower and that is how we were able to address those federal concerns.

In terms of my friend, Representative Ash's, concerns about the so-called slippery slope, if you will, what happens down the road, to be noted that when you are talking about the inshore waters to the state limit, those are waters held in common by all the people of the state. I don't think any one-user group could exercise any veto power on how those waters would be used. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would encourage you to support the Ought Not to Pass report. As you have heard, the Department of Marine Resources does opposed this bill and I think for a good reason. The bill, in my opinion, will create unnecessary bureaucratic expense and will foster development of local ordinances that conflict with federal laws and regulations as you have heard here today so far. I think that LD 1327 is unnecessary. As has been mentioned, the state harbor master law under chapter one already provides ample authority over the operations of all watercraft within their jurisdiction. All Maine law enforcement officials are empowered to enforce the state's watercraft laws under Chapter 715. As you have heard from previous speakers, the good Representative from Old Town, Representative Dunlap, said that Maine already has state laws in effect to control and regulate the proper and prudent abuse of all boats. Why is this bill necessary? Legislation in local municipal ordinances should, in my opinion, focus on inappropriate behavior or individuals and not the ban of the use of all watercraft. Current law already prohibits irresponsible and imprudent use. It is my feeling that

the passage of LD 1327 fosters the development of a patchwork of restrictions on watercraft use from one community to another. If you think you have problems now, just do something like that. In closing, I think the personal watercrafts are used by many municipalities for waterfront rescue work and for law enforcement activities. In my opinion, it makes no sense to allow the creation of a double standard where some law enforcement authorities are permitted to use personal watercrafts while the public is not. It is for that reason, Mr. Speaker, that I would move for the Indefinite Postponement of this bill and all accompanying papers.

Representative **TUTTLE** of Sanford moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. Since I was the author of the amendment that we passed into law regarding freshwater, along with the hard work of two committees worked on it some of the time, we were trying to solve a problem at that time. I think that is a little bit different here. I think I should explain why I am going to vote for the pending motion and against this bill. Before we passed the law regarding freshwater surface use, we had a problem. We would have 15 or 20 people from both sides of the issue come to our committee and try to have us solve the problem, the squabble goings on in the different interest groups back home in the different areas. Finally, we just told them to go home and work it out and then come back here. I don't hear this in the salt water. All seven of my towns are on the salt water and I haven't heard any complaints or any problem we are trying to solve. I didn't hear it articulated here today about any constituents that are having problems with it. Maybe they are, but that is why I am going to vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I have had the privilege of taking part in the matter of personal watercraft on the bodies of water within this state during my service here in the Legislature. There is only one thought that I would leave you with. During this time and working on joint committees, hearing much testimony, there is one thing that I can share with you tonight, the opportunities on the bodies of water in the State of Maine have diminished considerably since we have been working with communities and some of the standing committees here in the Legislature. If this continues, I am sure the same trend will be true. There will be less opportunity to enjoy a personal watercraft in the State of Maine. Having served on the Marine Resources Committee and hearing the testimony this past session, the same people are at work trying to control the water along the shores in the ocean in the State of Maine. I will leave you with this thought. I personally enjoy riding on a personal watercraft. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that can answer this question, if we vote against the pending motion tonight, are we

closing a section of small business that sells and maintains the maintenance of these vehicles?

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. We will not be closing down the dealerships. There is a very good market for these items and I agree with the good Representative from Lebanon, Representative Chick, they are a great deal of fun to ride. That is not the question. The question is the authority to regulate things that are a great deal of fun to ride. We are now looking at a bill before us, which would give municipalities more control over the fun things that are ridden on their waterfronts. Although we had relatively little testimony in front of the committee on this, it is an important issue of local control. As the Representative from the Town of Old Orchard Beach, I can say that it has been a problem for coastal communities and it does need to be addressed. These personal watercraft are a great deal of fun to ride. They can be a great annoyance and great danger if not used properly. The department, as it was said, had opposed the bill, but it hasn't opposed regulation. Its opposition was basically that further regulations should take place through the form of the harbor master law.

We also heard from the Maine Municipal Association and they were strongly in support of additional authority. Their point is they could not understand why we, as a policy making body, found it important to give inland communities the authority to control or to regulate the use of these watercraft and we would not give it to coastal communities. It is actually a fairness issue.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Just a couple of additional points, these are recreational watercraft. They are not working watercraft. Currently municipalities can determine on fresh water whether some particular ponds and lakes are suitable for these recreational watercraft or whether certain ponds and lakes are not appropriate. All this is asking is that municipalities on the coast have the same ability to determine whether these recreational watercraft are appropriate for certain coastal waters or not appropriate for certain coastal waters.

Another point that I wanted to make was that in my local area there is considerable opposition to personal watercraft. On Mt. Desert Island the communities have decided either singly or jointly, depending on the nature of the lakes or ponds, to ban personal watercraft from the freshwater lakes and ponds. They would like the ability to be able to ban them from certain areas of salt water areas in their particular towns. Remember, these particular areas that would have a ban are generally areas that are close in to shore. They are not extensive areas that extend out into other communities or out into the general coastal waters. I would urge you to vote against the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative **PINKHAM**: Mr. Speaker, Men and Women of the House. To answer the Representative's question on the impact on the dealers, we did have letters from one dealer right here in Augusta and last year his business on jet skis was about \$600,000 and he estimates this year that it will be around \$900,000. He translates that into about \$45,000 in Maine sales tax that is paid on these personal watercraft to the state. There would be quite an impact if they ever become outlawed on the coastal waters.

Just a little bit about the testimony in committee, who was for this and who was against it. There were two special interest groups that testified in support of banning them on coastal waters, Friends of Acadia, which is a Mt. Desert Island Group and the Sierra Club. This is the same bill we had two years ago and those same two groups testified two years ago. It was brought out in public hearing in 1998 or 1999 that these people wanted to stop all boats from being in the water in the early morning around the islands where the fishermen fish because it was disturbing the birds that were nesting on the islands. I think this is just to get the foot in the door. If we banned those, then outboard motors will be next and diesel powered will be after that. It is just a stepping stone on some of these areas to stop some of these practices going on now. These people are making a living out there.

When somebody testified that these aren't commercial boats, a lot of the parts dealers down my way use these things in the summer to run. I know for a fact that a guy lost his fan belt on his lobster boat and called in by radio and within 10 minutes there was a jet ski on the way out with a new fan belt in the summer months in good weather. They do use these things. The parts dealers down here use them to transfer parts back and forth to the fishermen when they get in trouble. It is a safety issue too. Like somebody said, DMR is opposed to this. The harbor masters met for their annual meeting two weeks ago in Castine. They are opposed to it. They see no problems. There have been very few complaints. I have been harbor master in Lamoine for seven years and I have yet to have a complaint on jet skis. I don't see the problem. Please vote for Indefinite Postponement. Thanks.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. I was here in the 118<sup>th</sup> when this issue came ahead of us. I thank Representative Perkins in putting back the word local control. Two hundred and forty-five bodies of water in the State of Maine, a lot of them in my very district, have the right to have local control and come to the State of Maine and go through with what the statutes have in place. I think we need to start remembering this is one state where we need to have some consistency in our policy making. This is an excellent bill. It addresses that local control issue. This all began in a little town on Moosehead Lake, which many of you know is 40 miles by 20 miles in mostly unorganized territories, except for the Town of Greenville and the Town of Beaver Cove. Beaver Cove is seven miles from the Town of Greenville and they came before of the committee first and said that we need to do something in regards to people coming to those little coves where we have always had our properties for many, many years and really being very disrespectful of years and years of tranquility and beauty and those natural resources. They were paying a great deal of money to use these machines at \$45 an hour and of course you are going to go out for \$45 an hour and have fun. Every body knows how much these machines are. However, I honestly believe whether you are in Old Orchard Beach or Wells this is the same state. Local control should be first and foremost. This gives those communities local control. In Beaver Cove, obviously that is a small part of a larger lake. They did not convince the Town of Greenville. They didn't convince the entire unorganized territory that this is what should happen on Moosehead. It didn't happen, but had the entire lake decided to do that, it could have happened. I think that local control should be remembered here. I hope that you will vote to defeat the motion and go on to accept the Minority Report. Thank you.

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

**ROLL CALL NO. 161**

YEA - Andrews, Ash, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duplessie, Duprey, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McDonough, McGowan, McKenney, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richardson, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Annis, Blanchette, Bliss, Brannigan, Bull, Canavan, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Estes, Etnier, Green, Hall, Hawes, Honey, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Mayo, McGlocklin, Morrison, Norbert, Norton, O'Brien LL, O'Neil, Quint, Richard, Rines, Savage, Simpson, Skoglund, Smith, Thomas, Twomey, Volenik, Watson.

ABSENT - Bagley, Baker, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Perry, Stedman, Wheeler GJ, Mr. Speaker.

Yes, 89; No, 50; Absent, 12; Excused, 0.

89 having voted in the affirmative and 50 voted in the negative, with 12 being absent, and accordingly the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

An Act Concerning National Board Certification of Teachers  
(H.P. 346) (L.D. 436)  
(C. "A" H-320)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

**ROLL CALL NO. 162**

YEA - Andrews, Annis, Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, 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, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D,

Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Winsor, Mr. Speaker.

NAY - Berry DP, Bowles, Bruno, Buck, Chase, Clough, Cressey, Duprey, Foster, Haskell, Kasprzak, MacDougall, Pinkham, Schneider, Treadwell, Waterhouse, Weston, Young.

ABSENT - Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Perry, Quint, Stedman, Wheeler GJ.

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

120 having voted in the affirmative and 18 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres

(S.P. 296) (L.D. 1007)  
(C. "A" S-141)

Which was **TABLED** by Representative GREEN of Monmouth pending **PASSAGE TO BE ENACTED**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-141)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-431)** to **Committee Amendment "A" (S-141)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-141)** as Amended by **House Amendment "A" (H-431)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-141)** as Amended by **House Amendment "A" (H-431)** thereto in **NON-CONCURRENCE**.

On motion of Representative CARR of Lincoln, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-141)** as Amended by **House Amendment "A" (H-431)** thereto.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

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

The SPEAKER: The Representative may pose his question.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I was just wondering what this amendment does compared to the one we had?

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. All it does is add an application date that was inadvertently left off the bill.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-141) as Amended by House Amendment "A" (H-431)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

An Act to Provide Public Employees Equal Access to Personnel Files

(H.P. 910) (L.D. 1224)  
(C. "A" H-319)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

**ROLL CALL NO. 163**

**YEA** - Annis, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lovett, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, Michaud, Mitchell, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

**NAY** - Andrews, Ash, Belanger, Berry DP, Bowles, Brooks, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Desmond, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lessard, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy E, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richard, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young.

**ABSENT** - Bagley, Baker, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Perry, Stedman, Wheeler GJ.

Yes, 82; No, 58; Absent, 11; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act to Change the Snowmobile Registration Rates

(H.P. 970) (L.D. 1294)  
(C. "A" H-346)

Which was **TABLED** by Representative DUNLAP of Old Town pending **PASSAGE TO BE ENACTED**.

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-435)** which was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. What this amendment does is it adds an emergency preamble to this legislation so that the communities and the user groups that stand to benefit from this legislation may do so at its most early convenience, as you can see in the amendment, July 1<sup>st</sup> of this year. Thank you Mr. Speaker.

**House Amendment "A" (H-435)** was **ADOPTED**.

Representative **PERKINS** of Penobscot **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

Representative **CHICK** of Lebanon **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

**ROLL CALL NO. 164**

**YEA** - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, 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, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

**NAY** - Clough, Cressey, Honey, Kasprzak, Perkins, Savage, Tobin J, Treadwell.

**ABSENT** - Bagley, Baker, Duncan, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Perry, Stedman, Wheeler GJ.

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

131 having voted in the affirmative and 8 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-346) and House Amendment "A" (H-435)** in **NON-CONCURRENCE** and sent for concurrence.

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**UNFINISHED BUSINESS**

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

An Act to Amend the Licensing Provisions for Private Investigators

(H.P. 398) (L.D. 519)

(C. "A" H-186)

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

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-186)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-430)** to **Committee Amendment "A" (H-186)** which was **READ** by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. This is a technical amendment to the original Committee Amendment "A" report. It simply clarifies that it takes at least one year, but no more than two years for someone hoping to achieve a private detective license, hoping to achieve at least 1,700 hours of training during that period. It is no less than one year, but no more than two years where you need to accumulate 1,700 hours of training. It makes that clear. Thank you.

**House Amendment "A" (H-430)** to **Committee Amendment "A" (H-186)** was **ADOPTED.**

**Committee Amendment "A" (H-186)** as Amended by **House Amendment "A" (H-430)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-186)** as Amended by **House Amendment "A" (H-430)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on May 2, 2001.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)** in **NON-CONCURRENCE.**

TABLED – May 4, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **FURTHER CONSIDERATION.**

On motion of Representative USHER of Westbrook, the House voted to **RECEDE AND CONCUR.**

On motion of Representative SMITH of Van Buren, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR.**

The same Representative **REQUESTED** a roll call on the motion of Representative USHER of Westbrook to **RECEDE AND CONCUR.**

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. This is a matter involving the overtime compensation for certain selected employees of new car dealerships. We debated this at length several weeks ago. I don't believe there has been any change in the circumstances. To many of us, we know that there will be overtime benefits not made available to these employees. One thing should be considered is that we have passed over the years minimum wage laws, overtime compensation laws and limitations on overtime, all which were based upon the proposition that the workers did not have an equal bargaining relationship and needed these protections. Nothing has changed. In order to protect these workers in our state who do not have an equal bargaining position and who are forced to take what is offered, then we have to step in and provide for them. Take a good hard look at this. This is, again, a situation where we, the Legislature, have to protect the workers who do not have an equal bargaining position. Thank you.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. I don't want to delay the debate on this any longer than we have to, but I would like to compliment the good Representative from Bangor, Representative Perry, for taking the time after the last debate to go out and talk to some of the dealerships in his area. As a matter of fact, he distributed a yellow flyer from Bangor that was signed by 28 people who were affected by this bill. They plead with us to help them reduce the paperwork in that dealership because it is unnecessary. I hope that if you got that and read it, I hope you will remember that and there is also another flyer going around right now asking for your support on LD 544.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. I join with Representative Treadwell asking you to look at this handout. You will find that everybody signed it. I think when you look at it, you will find it was not written by the employees. This is the perfect example of employees having to do what they are told to do and take what they are given. We need to protect these people. I urge you to vote against the motion to Recede and Concur.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. There is another handout going around from a guy I spent some time with. He does this for work. I mentioned him a few weeks ago that I drove down to Florida with him and that I had asked him about this bill. I told him how the vote went and you can read for yourself the unedited version of the e-mail he sent back to me. This is his profession. He sees it as a waste of time. It is a protection that he doesn't need. He asked us to get rid of this unnecessary paperwork. This is from a real worker who does this. It wasn't forced. I certainly have no influence over him. He lives in Waterboro, as you see. I don't have very much influence over him. I urge you to go along with the Recede and Concur motion. Thank you.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House. I remind you that anybody who makes more than \$7.72 an hour isn't concerned about this. Anyone

making less than that, does have to be concerned because it may, in fact, even be cheating them out of the minimum wage.

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

Representative USHER: Mr. Speaker, Men and Women of the House. I am the cosponsor of this legislation. Down in Exit 8 area, we have many, many car dealers. I have been contacted by three or four of them. This bill is about reducing the paperwork burden. It does not reduce any of the employee's pay. It is very critical that they comply with the Maine law. It would be very helpful if we had this bill.

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

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. When we talk about allowing workers to not be protected under the wage and hour laws, we have to think about long-term affects. I have negotiated a number of contracts and a lot of arbitration cases and when you look at that, you have to look 20 or 30 years out into the future. This situation as it lays today may not affect them. I don't see, as the Department of Labor didn't see, where this move would help the workers at all and 20 or 30 years out there, they will lose their protection under the wage and hour laws and for what? So the company won't have to run the calculations through the computer to run payroll. It is not worth it. I would ask you to defeat the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. To any individual who is willing to answer, did the Department of Labor testify for this bill? If they did, could you tell us exactly what they said? Thank you.

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. The Department of Labor sent a letter to the committee and did testify. The Department of Labor urged the committee to vote LD 544 Ought Not to Pass. They said, "Against a backdrop of little benefits being achieved and the high risk for mistaken violation of federal law, the department urges the committee to vote LD 544 out Ought Not to Pass."

Representative MacDOUGALL of North Berwick REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. As chance would have it this morning, my car broke down and I talked to some of the dealerships in Falmouth. They consider themselves professional people. They do not consider themselves in labor unions. I think we ought to keep that in mind when we vote. Thank you.

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

**ROLL CALL NO. 165**

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Bunker, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Haskell, Heidrich,

Honey, Jodrey, Jones, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McDonough, McGowan, McKenney, Mendros, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Povich, Richard, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McGlocklin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, Paradis, Patrick, Pineau, Quint, Richardson, Rines, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Michael, Perry, Stedman, Wheeler GJ.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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SENATE DIVIDED REPORT – Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-111) – Minority (6) Ought Not to Pass – Committee on LABOR on Bill "An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations"

(S.P. 155) (L.D. 499)

- In Senate, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-111).

TABLED – May 4, 2001 (Till Later Today) by Representative BUNKER of Kossuth Township.

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

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This is another one of those workers' comp bills that came to the Labor Committee because of one incident that occurred at some point in the past. There was an injured worker who had four different medical exams. The only one of those medical exams that followed the guidelines of the American Medical Association Guide for disability was done by a doctor who is an expert in the field. I would just like to read some of the information that came from a letter that was presented to us from the Labor Committee. It says, "This bill would adversely impact injured workers and the State of Maine. It would appear that the consequences of this bill have not been adequately considered. The task of performing an independent medical examination, as required under 207 of the Workers' Comp Act of 1992 is complex and requires a special skill set that few physicians have. The issues encountered are not those typically encountered by active treating physicians. Rather, they deal with assessing causation understanding issues related to complications of injuries and the very difficult task of assessing permanent impairment correctly according to the AMA Guide and the evaluation of permanent impairment. This last issue is particularly important in our state. Regarded as the nation's leading expert on the guides, this doctor says, "I have written

several texts in this field. I am editor and chief of the AMA Guide Newsletter, the official AMA publication on the guides and I have lectured internationally on this subject and have consulted to several workers' compensation jurisdictions." This individual is also the director of the Division of Occupational Health at the Maine Medical Center. His evaluation in this particular case was the only one that was accepted by the hearing officer in the case. The other three, two of those other three, were done at the request of the injured worker. The other three were not accepted by the hearing officer because they did not comply with the rules in the American Medical Association Guide. I would urge you to reject the Majority Ought to Pass Report and go on to pass the Minority Report.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This is an important bill. They indicated that one person brought this forward, but I want you to know when you are that one person, God love you, I hope we are there for you. This comp board, the comp hearing and the frustration that we have in the bill that was presented to us is basically a clarification of a law that was passed just a couple of years ago. What they did was modify and try to properly define who should be doing these examinations. We all have the frustration on both sides of this aisle. We hear about insurance companies out there doctor shopping and then we hear the bad employees are out doctor shopping and all that kind of stuff. That is not really the issue we are having here. What we are having here is that we are finding the issue that is really before this body happens to deal with who do we, from a policy point of view, want to be the person that is providing these exams. We want this person to be active in the medical field and active in the treatment of employees and people that are tied to the hospitals and have an active practice here in Maine or do we want these doctors who are providing these attorneys who are deciding reports to be professional report riders that sit in lawyer's offices in Portland. Quite frankly, that is what we are trying to get away from here. This bill, very clearly, states that if you are going to give these kinds of exams here in the State of Maine, you have to have clinical privileges at a hospital. You have to be active in the profession as a physician and you cannot be retired for more than a couple of years. You have to be really well vested, well knowledgeable in these issue because we have a doctor in the chamber and I am sure once you are out of this system, I think the good Representative made it very clear, the frustration with the comp board is they have a set of stringent requirement that they have to look at to make these decisions. In this case four different decisions, four different reports from zero to 18 percent or something like that. Those are catastrophic differences. The three reports that were rejected by the board were full incapacitation kind of things. They accepted the zero. That is how far off these reports were and that is because of technical requirements of filing a report that meets the requirements of the workers' comp board and the AMA manual. I really think that this is a good bill. It clarifies what our practitioners should be following. It clarifies that they have to be up and active and really up to speed on these issues so that they can provide valuable information to the hearing board. I think it is a policy decision saying that we do not, in the State of Maine want to support gun for hire type of evaluations from people that aren't actively practicing in the State of Maine. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, I am really troubled looking at the bill on page 2, line 9. There is a statement there I would like to read briefly. "The position may not rely on any documentation or information in any way receive subsequent to the examination in preparing a report or opinion regarding the employee's medical condition." The last time I received medical care, I know that my physician after the examination talked to experts, consulted with other people before they told me what this meant. Does this mean that we are asking a doctor to see a patient and then be basically gagged from being able to consult with specialists and other physicians before they can say what kind of problem they feel they have and how it should be treated? Thank you.

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

Representative **BUNKER** of Kossuth Township **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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. You can see the hour is getting late and many of the folks aren't in the body and I apologize for asking for a roll call, but I think it is necessary. I did in the meantime get the answer to the good Representative's questions. I didn't have it at my fingertips and I was not responding to your question because I did not have the answer. The answer is that the original bill has that language in it. The amendment does not. We removed that language from the amendment.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for dragging this debate out any further. I think we can see that this is another case of if we don't hear what we want to hear, we shoot the messenger. Please remain with the vote that you had on the last vote.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill really seeks to do is to have medical opinions offered not by professional witnesses catering to one particular side, but to treating physicians who have contacted with the patients. We are trying to get away from the professional stacked deck of a professional witness.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. The bill does much more harm than good. Section 207 of the workers' comp law provides for independent medical examinations and sometimes the only tool available to an employer. Those examinations help discover changes in the medical conditions of certain prolonged problem workers' compensation cases. By adding this requirement that the health care providers performing this part of the law, that they have to maintain active practices of at least 50 percent of the time, will have the effect of limiting the number of health care providers eligible and that are truly able to perform those exams. Those who are qualified will be in greater demand, which will probably result in a significant backlog of cases. The bill allows the employer only one Section 207 exam and after that the employer may request a Section 312 independent medical exam. Most cases with the Section 207 exams never make it to



litigation. By limiting the number of health care providers that can perform those 207 exams, this bill will force employers to request more section 312 independent medical exams, which will create the need for more litigation. I ask that you vote against the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PATRICK: Mr. Speaker, Men and Women of the House. I would like to know who the doctor was that wrote the good report?

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. In response to the question, the doctor who wrote the report that was accepted and had the credentials that I read to you was Doctor Christopher Brigham, President of Brigham Associates. He is a well-known expert in the State of Maine, probably the foremost medical examiner for comp issues in the state.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, what is the fiscal impact of this bill on businesses in Maine and the Workers' Comp System in Maine?

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. 166**

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, McDonough, McGlocklin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

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

ABSENT - Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Perry, Stedman, Watson, Wheeler EM, Wheeler GJ.

Yes, 74; No, 63; Absent, 14; Excused, 0.

74 having voted in the affirmative and 63 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-111)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-111)** in concurrence.

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

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**HOUSE DIVIDED REPORT – Majority (7) Ought Not to Pass – Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-318) – Committee on LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Provide Disclosure to Voters by a Person Paid to Collect Signatures"

(H.P. 181) (L.D. 192)

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

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

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. I would like to explain briefly what my motivation was. We all know there has been a lot of concern about the petition process and many efforts have been underway to try to change the way items make their way to the ballot in November. I conducted a little experiment in my district last November by approaching several petition gatherers in the process of doing their work and interrupting their presentation with a simple question. I simply asked them if they were paid to be there? I got a variety of answers. Obviously some were not. They were proud of that fact. They were dedicated volunteers. They were there because they believed in the issue in front of them and that was great. The people who listened to me ask that question heard the answer often and were very enthusiastic about supporting them because they believed in the passion that lead a person to be there that day instead of wherever else they wanted to be. I also ran into a few of other people who admitted that they were paid professionals. I think the effect that that had on people who were interested in signing the petition was to realize that what they heard was not a person who necessarily passionately believed in the issue, but was, in fact, a carnival barker. It was somebody who had a prepared script who was financially vested in coming home that day with a certain number of signatures and was going to be selective in what they said and how they said it. The purpose of this bill is not to deny a person from being able to do that, because certainly it is right to do so. What this bill now does as amended by the Committee Amendment is simply to put a disclaimer on the petition form itself that tells a person as they are signing it that the person who is giving you this message, who is asking you to do this, may or may not be paid. Most of the people that I talked to started with the assumption that the person circulating the petition was an unpaid volunteer. It did not occur to them that this could be a professional marketing effort. By providing the disclaimer on the form, I think a voter will be inclined to ask the question, are you a professional? Let that

information factor into their decision of whether to believe everything they have heard or not. It is a very simple modification of the petition process. It denies nothing. It provides a little bit of sunshine through educating the voter and then if they choose to ask the person circulating that question, then they can decide if that information affects how they feel about signing the petition or not. I urge you to consider supporting the Minority Report, Ought to Pass, to put this disclaimer on this petition. Mr. Speaker, I ask for the yeas and nays.

Representative DAIGLE of Arundel **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 Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This matter, by my thought, it may not be correct, but I believe this was an item that is in the marketplace like many things we do in life. I don't believe that we need to have all sorts of reports about what is going on in the marketplace. I don't get moved by this very much, if a person is being paid. In seeking office over the years, I guess there is more pay being involved than without. That is what I think. I don't believe that people should be required to indicate, in this matter, if they receive compensation or from whom.

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. I apologize for rising twice, but I would just like to respond to the comments from my good friend from Lebanon, Representative Chick. There are no reports required of this bill. There are no requirements for a person circulating the petition to answer the question. It is really limited to that one written statement on a petition form to say to the voter that this person you are speaking to may or may not be paid and then, of course, you can decide to ask. It is very, very limited. Thank you.

Representative **TRACY** of Rome moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I hope that you would support the last motion to Indefinitely Postpone the bill. As I told you before, our committee receives a lot of bills on citizen's initiatives and it is a difficult decision, but the way this bill is amended, it really does nothing. The good Representative from Arundel said that the amended version replaces the original bill. It requires that every sheet of a citizen initiative petition include a sentence, which reads as follows. The petition says it may nor may not be circulated by someone who is paid to collect signatures. What does that mean? I think what good does it do? In my opinion, I think it does nothing except pass a bill that requires a phrase the means nothing. I would encourage you to support the motion to Indefinitely Postpone.

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

**ROLL CALL NO. 167**

**YEA** - Ash, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Hatch, Hawes, Hutton, Jacobs, Jodrey, Kane, Kasprzak, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, MacDougall, Marley, Marrache, McDonough, McGlocklin, McGowan, Mendros, Michaud, Murphy T, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Waterhouse, Mr. Speaker.

**NAY** - Annis, Belanger, Berry DP, Berry RL, Bliss, Bowles, Bruno, Bumps, Chase, Chizmar, Clough, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Gooley, Green, Hall, Haskell, Heidrich, Honey, Jones, Labrecque, Ledwin, Lovett, Madore, Mailhot, Mayo, McKenney, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Thomas, Tobin J, Trahan, Treadwell, Weston, Winsor, Young.

**ABSENT** - Andrews, Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Michael, Perry, Stedman, Watson, Wheeler EM, Wheeler GJ.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)** on Bill "An Act Relating to Restricted Licenses for Certain Drivers"

(H.P. 1087) (L.D. 1456)

Signed:

Representatives:

MARLEY of Portland  
McNEIL of Rockland  
WHEELER of Bridgewater  
FISHER of Brewer  
BOUFFARD of Lewiston  
McKENNEY of Cumberland  
PARADIS of Frenchville

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

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

COLLINS of Wells  
WHEELER of Eliot  
BUNKER of Kossuth Township

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-409)** 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-409)** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

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

**TABLED** – May 8, 2001 (Till Later Today) by Representative **KOFFMAN** of Bar Harbor.

**PENDING – PASSAGE TO BE ENGROSSED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-135)** in concurrence.

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

**TABLED** – May 8, 2001 (Till Later Today) by Representative **NORBERT** of Portland.

**PENDING – PASSAGE TO BE ENACTED.**

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

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

**SENATE DIVIDED REPORT – Majority (11) Ought to Pass – Minority (1) Ought Not to Pass – Committee on HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Nursery School Rules"

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

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

**TABLED** – May 9, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

**PENDING – ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very, very brief. I just feel that the need to explain my lone vote because several have asked for an explanation. By way of an explanation, a nursery school is a different entity from a day care home or a day care center. Parents who choose to bring their children to a nursery school actually make that choice. A nursery school is generally a few hours at a time. There are generally no naps required, no meals

prepared. This is an experience and it can be quite an expensive experience where parents make the choice to bring their children for an additional, perhaps educational, but more importantly enrichment time. The nursery schools in the state are already licensed. Their health and safety issues are already looked after. The water is safe and there are fire exits. The one piece of this that really bothered me was hearing about program standards. I feel that children need to be children. They need to be kept free from governmental interference as long as they possibly can. Nursery schools are not under the purview of the state educational system and nor, in my belief, should they be. I believe that parents choose their nursery school experience knowing what their child could be faced with. I do not think that we should be dictating lowering and lowering the time and the age that we should be dictating what the state is telling teachers what our children should be learning and experiencing. Thank you very much.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is a bill that was brought forth by the department on the recommendations of the Attorney General's Office in order to sufficiently cover nursery school law the expanded scope of responsibilities and therefore, regulation. The Community Services Division in the Department of Human Services licenses over 231 nursery schools. The current statute written in 1975 provides for licensing standards only in the area of communicable disease, drinking water liability insurance, fire safety and administering medication. The Attorney General's Office ruled that the department's scope of responsibility needed to be increased in order to cover the actual scope of activities that are taking place within these nursery school programs. The department brought forth a revised set of rules in order to cover the expanded scope of responsibilities. Thank you Mr. Speaker.

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

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

**ROLL CALL NO. 168**

**YEA** - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, McDonough, McGowan, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Savage, Shields, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Usher, Volenik, Mr. Speaker.

**NAY** - Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Marrache, Mayo, McGlocklin, McKenney, Mendros, Morrison, Murphy E, Murphy T, Muse K, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Smith, Snowe-Mello, Tessier, Tobin D, Tobin J,

Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

ABSENT - Andrews, Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Michael, Perry, Stedman, Watson, Wheeler EM, Wheeler GJ.

Yes, 75; No, 60; Absent, 16; Excused, 0.

75 having voted in the affirmative and 60 voted in the negative, with 16 being absent, and accordingly 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** in concurrence.

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

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

TABLED - May 10, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **FINAL PASSAGE**.

On motion of Representative COWGER of Hallowell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-301)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-425)** to **Committee Amendment "A" (H-301)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. This is clearly just a technical amendment that corrects an internal reference to the Air Quality Advisory Committee. It changes the words task force to the word committee. Thank you.

**House Amendment "A" (H-425)** to **Committee Amendment "A" (H-301)** was **ADOPTED**.

**Committee Amendment "A" (H-301)** as Amended by **House Amendment "A" (H-425)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-301)** as Amended by **House Amendment "A" (H-425)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

TABLED - May 9, 2001 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-292)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-426)** to **Committee Amendment "A" (H-292)** which was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. This is indeed a technical amendment correcting some cross referencing errors in the bill, most specifically, substituting Section D and E for D, E and F and also A, E and F and removing subsections and making it subsection. Despite some questions about this amendment, it does not substitute my college transcript for the bill. It is truly only a cross referencing matter. I thank the House for its indulgence.

Representative **TWOMEY** of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-426)** to **Committee Amendment "A" (H-292)**.

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 adoption of House Amendment "A" (H-426) to Committee Amendment "A" (H-292). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 169**

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

NAY - Muse C, Pinkham, Quint, Twomey.

ABSENT - Andrews, Bagley, Baker, Duncan, Goodwin, Koffman, Landry, Lovett, Madore, Matthews, McKee, McLaughlin, McNeil, Perry, Stedman, Watson, Wheeler EM, Wheeler GJ.

Yes, 129; No, 4; Absent, 18; Excused, 0.

129 having voted in the affirmative and 4 voted in the negative, with 18 being absent, and accordingly **House Amendment "A" (H-426)** to **Committee Amendment "A" (H-292)** was **ADOPTED**.

**Committee Amendment "A" (H-292)** as Amended by **House Amendment "A" (H-426)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-292)** as Amended by **House Amendment "A" (H-426)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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An Act to Protect Sensitive Geologic Areas from Oil Contamination

(H.P. 168) (L.D. 179)  
(C. "A" H-224)

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

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative COWGER of Hallowell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-224)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-448)** to **Committee Amendment "A" (H-224)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER:** Mr. Speaker, Men and Women of the House. This is another technical amendment that deletes the words, as provided in this subsection because it is repeated twice in the Committee Amendment.

**House Amendment "A" (H-448)** to **Committee Amendment "A" (H-224)** was **ADOPTED.**

**Committee Amendment "A" (H-224)** as Amended by **House Amendment "A" (H-448)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-224)** as Amended by **House Amendment "A" (H-448)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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The **SPEAKER:** The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher who wishes to address the House on the record.

Representative **LAVERRIERE-BOUCHER:** Mr. Speaker, Men and Women of the House. I was not here for six roll calls and I would like to say that in reference to roll call 155, 156, 157, 158, 159, 160, if I would have been present, I would have voted yea.

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On motion of Representative TRAHAN of Waldoboro, the House adjourned at 9:02 p.m., until 9:00 a.m., Tuesday, May 15, 2001.