

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

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May 18, 2001 – June 22, 2001

Second Regular Session

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ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
52nd Legislative Day
Friday, May 18, 2001

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

Prayer by Honorable John L. Tuttle, Jr., Sanford.
Pledge of Allegiance.
Doctor of the day, Robert P. Hockmuth, M.D., Durham.
The Journal of yesterday was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 259)

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

May 11, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1269 An Act to Provide for Maintenance of State-owned Land and Facilities

L.D. 1622 An Act to Regulate Camp Lot Leases

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

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 260)

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

May 11, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 467 An Act to Make Career Information More Accessible to Maine Citizens

L.D. 470 An Act to Provide Mental Health Services at Shelters

L.D. 1316 An Act Requiring Reimbursement to Counties for Courthouse Facilities

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 261)

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

May 11, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 203 An Act to Establish Medical Savings Accounts

L.D. 354 An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Christopher P. O'Neil
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 262)

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

May 11, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 780 An Act to Promote Economic Growth in the Penobscot Valley

S.P. 91 Joint Study Order relative to the Joint Standing Committee on Business and Economic Development Study the Potential Alternatives for State Financing of the Construction of Meeting and Convention Facilities

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

Sincerely,
S/Sen. Kevin L. Shorey
Senate Chair
S/Rep. John G. Richardson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 263)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 453 An Act to Recognize the Special Circumstances of Border Hospitals
- L.D. 473 An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center
- L.D. 679 An Act to Expand Access to Health Care for Adults
- L.D. 820 An Act to Require a Public Hearing on Hospital Certificate of Need Proposals
- L.D. 1188 An Act to Provide for the Withdrawal of a Municipality from Hospital Administrative District No. 1 in Penobscot County
- L.D. 1302 An Act to Enhance Access to Health Care in Maine
- L.D. 1511 An Act to Increase Access to Primary and Preventive Services for Maine's Underserved Citizens

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 264)

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

May 11, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 684 An Act to Require Courts to Take Federal Disability Payments into Account when Determining Child Support Awards BY REQUEST

L.D. 1611 Resolve, to Establish a Task Force to Study Parenting Alienation Syndrome and Related Issues

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 265)

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

May 11, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 194 An Act to Ensure Stability in Maine's Harness Racing and Off-track Betting Business
- L.D. 1228 An Act to Support the Right to Associate
- L.D. 1526 An Act to Institute a Citizens' Guide to Elections
- L.D. 1615 An Act to Provide Pricing Options to Agency Liquor Stores

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 266)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 704 An Act to Establish the Rivers and Streams Restoration Fund

- L.D. 787 An Act to Require the Filing of Soils Tests
- L.D. 1155 An Act to Protect Maine Lakes from Milfoil and Other Invasive Plants

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

Sincerely,
 S/Sen. John L. Martin
 Senate Chair
 S/Rep. Scott W. Cowger
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 267)

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

May 11, 2001
 Honorable Michael H. Michaud, President of the Senate
 Honorable Michael V. Saxl, Speaker of the House
 120th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 741 An Act to Mitigate Volatile Energy Costs
- L.D. 1538 An Act to Promote Retail Electricity Competition

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

Sincerely,
 S/Sen. Norman K. Ferguson, Jr.
 Senate Chair
 S/Rep. William R. Savage
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 286)

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

May 17, 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 Indefinitely Postponed a Joint Order relative to the Joint Standing Committee on Business and Economic Development reporting to the House legislation ensuring statewide television broadcast of state high school basketball championship games. (H.P. 1317)

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

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative DESMOND of Mapleton, the following Joint Resolution: (H.P. 1341) (Under suspension of the rules, cosponsored by President MICHAUD of Penobscot, Speaker SAXL of Portland and Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BLANCHETTE of Bangor, BLISS of South Portland, BOUFFARD of Lewiston, BOWLES of Sanford, BRANNIGAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, BUNKER of Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CHASE of Levant, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CRABTREE of Hope, CRESSEY of Baldwin, CUMMINGS of Portland, DAIGLE of Arundel, DAVIS of Falmouth, DORR of Camden, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, ESTES of Kittery, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FULLER of Manchester, GAGNE of Buckfield, GERZOFISKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HALL of Bristol, HASKELL of Milford, HATCH of Skowhegan, HAWES of Standish, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, JODREY of Bethel, JONES of Greenville, KANE of Saco, KASPRZAK of Newport, KOFFMAN of Bar Harbor, LABRECQUE of Gorham, LANDRY of Patten, LAVERDIERE of Wilton, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LESSARD of Topsham, LORING of the Penobscot Nation, LOVETT of Scarborough, LUNDEEN of Mars Hill, MacDOUGALL of North Berwick, MADORE of Augusta, MAILHOT of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGLOCKLIN of Embden, McGOWAN of Pittsfield, MCKEE of Wayne, MCKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MENDROS of Lewiston, MICHAEL of Auburn, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MORRISON of Baileyville, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, MUSE of Fryeburg, NASS of Acton, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PINEAU of Jay, PINKHAM of Lamoine, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Buxton, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SKOGLUND of St. George, SMITH of Van Buren, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STEDMAN of Hartland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Windham, TOBIN of Dexter, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WINSOR of Norway, YOUNG of Limestone, Senators: ABROMSON of Cumberland, President Pro Tem BENNETT of Oxford, BROMLEY of Cumberland, CARPENTER of York, CATHCART of Penobscot, DAGGETT of Kennebec, DAVIS of Piscataquis,

DOUGLASS of Androscoggin, EDMONDS of Cumberland, FERGUSON of Oxford, GAGNON of Kennebec, GOLDTHWAIT of Hancock, KILKELLY of Lincoln, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, LONGLEY of Waldo, MARTIN of Aroostook, McALEVEY of York, MILLS of Somerset, MITCHELL of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, RAND of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, SMALL of Sagadahoc, TREAT of Kennebec, TURNER of Cumberland, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION HONORING EINAR GUSTAFSON

WHEREAS, Einar Gustafson, 65, a native of New Sweden, who was known as the boy who was the inspiration for the organization known as the Jimmy Fund, which has supported our nation's war on cancer, died on January 21, 2001; and

WHEREAS, Einar Gustafson contracted a rare form of non-Hodgkin's lymphoma in 1948 when he was 12 years of age and was one of the earliest patients to be treated with chemotherapy; and

WHEREAS, in those days Dr. Sidney Farber often referred to his young patients as "Jimmy" or "Jane" to protect their identities, as having cancer often carried a stigma; and

WHEREAS, young Einar was chosen to talk baseball and sing "Take Me Out to the Ballgame" with the Boston Braves on the radio show of famed broadcaster Ralph Edwards; and

WHEREAS, soon after an outpouring of support and donations for cancer research began, the official charity known as the Jimmy Fund was formed, which has been the official charity of the Boston Red Sox since 1953; and

WHEREAS, the Jimmy Fund has raised more than \$160,000,000 for the war on cancer and Einar Gustafson continued to support and help the fund long after he became well; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to honor the memory and life of this remarkable native son of Maine and to extend our sympathy to his family; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the loving family of Einar Gustafson on behalf of the people of Maine as a token of their esteem and affection.

READ.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I first met Einar Gustafson after he was discovered as the real "Jimmy." I became acquainted with this soft-spoken giant of a man because he was from New Sweden, which is a small farming community in my district. He grew up, married and raised three daughters and very few people knew he was the famous "Jimmy." In the '50s and '60s, I remember listening to Red Sox games on the radio and can clearly recall Red Sox announcer, Kurt Goudy, speaking about the Jimmy Fund. This charity actually began with the Boston Braves and Variety Club of New England who organized a fundraiser to help Doctor Sidney Farber with his cancer research. They wanted a patient who was a baseball fan to take part in a live radio broadcast. Dr. Farber chose 12-year-old Einar to represent cancer stricken children everywhere. He called him Jimmy to protect his privacy. The promotion was a success and donations poured in from across the country. The Jimmy Fund was born.

After the Braves left Boston the Red Sox took over the Jimmy Fund. It became the favorite New England charity and "Jimmy" became a legend. We recognize Einar Gustafson as a hero for all children with cancer.

As a youth he touched the hearts of millions. After his discovery as an adult, he spent nearly three years appearing at functions and recording public announcements to raise money for the Jimmy Fund. This modest, unassuming man was able to reach out to children and was equally as comfortable speaking to anyone in any walk of life. Dr. Edward J. Dennis, Jr., President of Dana Farber Cancer Institute said, "Einar's story is an inspiration to us all. Tens of thousands of people have rallied against cancer in his name." Mike Andrews, Executive Director of the Jimmy Fund summed up the essence of Einar Gustafson with this comment. "After 50 years, to find out he was alive was a miracle and then he turned out to be the most wonderful man. If we had tried to create "Jimmy," we couldn't have done better. Einar Gustafson, "Jimmy," is missed by all of us who knew him. He was an exceptional man."

Einar's family will be in the Speaker's Office for a while and anyone who wishes may stop in to welcome him. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. As the elected Representative of the City of Caribou, which is New Sweden's next-door neighbor, on behalf of the citizens of Caribou, I wish to extend our sincere sympathies to the families and friends of Einar Gustafson.

ADOPTED.

Sent for concurrence.

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 30)

ORDERED, that Representative Joseph E. Clark of Millinocket be excused Thursday, May 10th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Scott W. Cowger of Hallowell be excused Tuesday, May 8th, Wednesday, May 9th and Thursday, May 10th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Theodore Koffman of Bar Harbor be excused Monday, May 14th, Tuesday, May 15th and Wednesday, May 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Friday, May 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Arthur F. Mayo III of Bath be excused Wednesday, May 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Deborah K. McNeil of Rockland be excused Monday, May 14th, Tuesday, May 15th and Wednesday, May 16th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the workers of Carleton Woolen Mill, of Winthrop, whose dedicated service and highly valued woolen manufacturing skills contributed immeasurably to the economy and prosperity of the Winthrop area through the production of internationally known

woolen fabrics for garment and industrial use. Their loyalty and dependability reflect the quintessential Maine worker and their efforts will remain with pride in the hearts of the State's citizens. We join the citizens of the Town of Winthrop in expressing our appreciation to the workers of the Carleton Woolen Mill and join the town in its celebration of Carleton Woolen Mill Worker Appreciation Day;

(HLS 387)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative McKEE of Wayne, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Today is Maine Woolen Worker Day. It has been proclaimed throughout the state. I hope that if you do have one of those two woolen mills in your town that you would give them a call today and thank them for being there. The woolen mill in our town closed last April. At the time, it was such a shock that our town did not do what we should have done at the time. We forgot to say thank you. Tomorrow, May 19, is Carleton Woolen Mill Appreciation Day. I am proud to stand and express the Town of Winthrop's deep gratitude for the great contributions that that mill made to our economy and prosperity. It closed due to declining market conditions and global conditions and almost 300 workers lost their jobs. It was a very sad time for the workers, the management, the owners and the community. The shock lasted a very long time as workers struggled to find new employment and a new way of life. Tomorrow we want to honor those people who not only contributed so much, however, to our economy, but also contributed to something that we all must have, human warmth. Carleton Woolen Mill provided human warmth to people all over the world. The fabrics that they made were of the highest quality. They made military blankets, police uniforms, fine women's garments, industrial upholsteries, baseball uniforms, baseball hats and they were the world's largest producers of billiard cloths.

Three years ago before it was known that the mill would close, I had the distinct opportunity to tour the mill. Little did I know that it would have more effect on me than any tour I have ever taken. I was taking the tour because we were considering toxic use reduction laws here in the State House and I was invited by the then manager, Marshall McDuffy, to tour the mill and to hear their concerns about the proposed legislation. From the time I walked into the factory at 3:30 in the afternoon until 7:30 p.m. when we finished the tour, I had one thought echoing through my mind, if the people of the Town of Winthrop and the people of the State of Maine could have been with me on that tour and we could have taken that tour, 20 years before, would that mill be closing?

I grew up in mills. I grew up before OSHA. I could run barefoot into the cotton mill where my mother worked and take her lunch. I could go with my father when he took my brother to be nursed at midnight when my mother worked on the third shift. I could find my mother in the weave room or sweeping or inspecting cloth. I grew up thinking that my mother was a highly skilled worker. We were proud of the mill workers in our town. There were five mills. Unfortunately people today don't get that opportunity and not one person I could talk to in the town of Winthrop had ever had that opportunity. The students I taught whose parents worked there had never seen what their parents did. Fortunately we have a film in the archives to now show people what they did. Taking the raw fiber of antiquity, the wool that came from New Zealand, Australia and the western states

and turning it into high-quality woolen fabric. It certainly must be one of man's greatest achievements. I wish that every single one of you could see that.

I can remember meeting the manager and the first thing he did was feel my blazer. I was embarrassed because he said, "Russian, right?" I said, "What are you talking about?" He said, "Your blazer wool came from the Soviet Union?" I said, "I don't know." He looked at the label and it did. I was embarrassed. He talked about quality and the difference between the kind of wool that the Carleton Woolen Mill made and what I was wearing. He was not trying to disparage me, he was trying to point something out. We had lost respect for what we had achieved over 200 years in the woolen industry. Today, I am proudly wearing the very best woolen jacket that I own that was given to me. I will wear it very proudly. After that day, I put away my new jacket of polar fleece and I took out my woolens and started to wear them. It is too late folks, I know that, but it is not too late to say thank you to the woolen mill workers of Maine who have worked for the past 200 years to supply us with human warmth. They have done a great job. They have achieved a lot. They have contributed to all of Maine's prosperity and economy. I am proud to be up here standing and saying thank you to them, even if it is too late for the people in our town. Thank you. If any of you can join us tomorrow at the appreciation day, I would love to see you there. Thank you.

PASSED and sent for concurrence.

In Memory of:

Mary Glen Rosenberg, of Lewiston, a longtime registered nurse at St. Mary's Regional Medical Center and an untiring supporter of the arts in the Lewiston and Auburn area. Ms. Rosenberg was active as a director, actress and board member of the Community Little Theatre. She will be greatly missed by her family, many friends and colleagues in the arts;

(HLS 331)

Presented by Representative BOUFFARD of Lewiston.
Cosponsored by Representative COTE of Lewiston, Representative MAILHOT of Lewiston, Representative MENDROS of Lewiston, Representative MICHAEL of Auburn, Representative O'BRIEN of Lewiston, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Senator DOUGLASS of Androscoggin, Senator ROTUNDO of Androscoggin.

On **OBJECTION** of Representative BOUFFARD of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Mary Glen Rosenberg was a special lady. All her life devoting much of her care to her patients doing her work as an RN, especially in the psychiatric unit of St. Mary's Hospital. She was an astute supporter of the arts, especially the theater where she was a long-time member of the board of directors of the Community Little Theater of Lewiston/Auburn and the New England Theater Conference. She is remembered in both Lewiston and the Portland area for rolls as Mother Superior in Nunsense and Nunsense II, Dolly in Noises Off, Nurse Ratchett in One Flew Over the Cookoo's Nest and Mama Rose in Gypsy. She directed such critically acclaimed shows as Death of a Salesman, Inherit the Wind, Crimes of the Heart, The Shame of a Maiden, the Happy Time and Greetings. She was the mother of three children and the grandmother of four. I can attest to the fact that she was a teacher and mentor of students wishing to join the theatre arts where she was their mentor and advisor. I

hope and I cherish the work that Mary Glen gave to her daughter and her other children and her many friends. I speak on their behalf when I say, Mary Glen, thanks for the memories.

ADOPTED and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 177) (L.D. 188) Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-511)**

(H.P. 483) (L.D. 623) Bill "An Act to Require Election Law Training to Voter Registrars and Clerks" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

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

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

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

(H.P. 984) (L.D. 1321) Bill "An Act to Change the Status of the Discount State Liquor Store in Calais" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-189)** on Bill "An Act to Strengthen Maine's Worker Advocate Program" (S.P. 198) (L.D. 670)

Signed:

Senators:

EDMONDS of Cumberland

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

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

Signed:

Representatives:

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

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-189)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-189)** 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-189)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-501)** on Bill "An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State"

(H.P. 1285) (L.D. 1748)

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

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

Signed:

Representatives:

KASPRZAK of Newport
HASKELL of Milford
CRESSEY of Baldwin

READ.

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

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered. The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to say on the record that I know accusations will be tossed here and there about people believing in sweatshops and the mistreatment of children and workers across the world, but I would like to say first and foremost that I am definitely not in favor of sweatshops or in the misuse of child labor or any worker. I, myself, do not make many purchases from things that are manufactured in the country of China because I have great difficulty with the way that they treat their human beings there. I would say that personally I make my own choices when I go to the store. When I buy something, I decide where I want to buy it from. If I don't agree with what they are doing, then I try not to buy as many of their products as I can.

The problems I have with this bill that has come out of a study commission is first, many of the terms that are used I believe are vague and not well defined. I would encourage you to look at the bill, the Majority Report, which is House Amendment (H-501) and decide for yourself whether or not you believe those terms are well defined or not. Secondly, I believe the promises that are made by the supplier are vague as well. They don't have to go across the country or across the world and go into the sweatshops and find that people are being misused or not or they are going to the manufacturer and finding that all is well. They simply have to sign a piece of paper saying that they understand and they have reasonable assurance that these things haven't happened where these things were manufactured. To me, that is not doing much at all. Thirdly, there is a new position included in this bill. If you, like me, don't believe that state government should grow any more than is absolutely necessary, then I believe this is a reason to vote against this bill.

All this and an additional study as well. We have had at least two studies that I am aware of on this issue. They have come up with this proposal and I don't believe we need any more proposals from such a committee. If you would like to pay for a study, go ahead and vote for this. If you want a new position, vote for this. Vague promises, vague terms and definitions, if you believe those things are good things, then you should vote in favor of the Majority Report. If you do not and you don't think it is the position of the State of Maine to run the entire world according to our standards, then I would encourage you to vote against the pending motion. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. LD 1748 as amended is the end result of a study commission by a previous Legislature, the 119th. The members of this commission, which included a wide variety of people, including people from the Chief Executive's Department became truly convinced that the State of Maine can make a difference in the lives of the less fortunate, the exploited, around the world and here at home as well. The initial bill that came before us was quite an ambitious document. All parties involved soon realized that the goal, through admirable, were just simply not feasible at this time.

What you have before you is a small manageable piece that still allows us to tell the world that we truly do care and value the workers of the world. LD 1748 would make Maine the first state in the nation to protect its local interests as well as demonstrate its values through anti-sweatshop purchasing legislation. As Maine businesses and workers are injured by unfair sweatshop competition, LD 1748 seeks to take meaningful practical steps to level the playing field. Businesses bidding on state contracts, any contract over \$2,500, for apparel, textiles of footwear must sign a code of conduct stating that to the best of their knowledge the product was made in compliance with applicable work laws. The state does not create new workplace standards, but rather looks to determine whether or not the goods in question were made according to local applicable laws. LD 1748 directly addresses compliance at the point of assembly as this the most common location for workplace violations.

As far as the sweatshops themselves, I used to live on the Mexican border and had plenty of opportunity to travel quite a bit. I have seen horrors in shops that I am not going to describe here. Several years ago I had another chance to visit an apparel factory in this country. The workers there were made up mostly of Asian and Latino dissent. They were young women, girls, from 14 or 15 years old on. They worked 12 to 16 hour days, hot, cramped, with no ventilation, only permitted to go to the restroom twice a day and had two 15 minute lunch periods. Most of them didn't dare to complain. No one complained because probably as you have heard before, a lot of these people were in the country illegally or they had family members. It was usually the family members that they were worried about because if they complained, those family members were going to be deported or in some instances, I was told that those people themselves would just simply disappear.

I was also in the State of Maine three or four years ago with the first two legislators that visited our famous site. I don't need to go into all the details of that because everyone here as heard it. Maine is setting a standard here. It has set the standard in many areas, which we are proud of. This would be a standard that we could set for the world to see the Maine leads. I would be one that we could really be proud of. Thank you.

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

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. 209) (L.D. 244) Bill "An Act to Continue the Privacy Protection of Health Care Information" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1312) (L.D. 1776) Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 1313) (L.D. 1777) Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1339) (L.D. 1794) Bill "An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws" Committee on **TAXATION** reporting **Ought to Pass**

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

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

(H.P. 1334) (L.D. 1790) Bill "An Act to Create the Healthy Maine Prescription Program" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-520)**

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

The Committee Report was **READ**.

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

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

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

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-501) - Minority (3) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State"

(H.P. 1285) (L.D. 1748)

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

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope you will support this bill today and the Majority Report out of the committee. I want to thank the good chairs of the committee and members of the committee that voted favorably on this legislation. I want to say just a couple of things before we hopefully pass this today.

The country we have, the great system we have in America, has been called an experiment. I think that is a good way to put our democracy here in America. It is an experiment. We are a young democracy. That experiment, each and every day evolves. We become more open. We become a greater country each and every day through the hard work and vigilance of our people. An early Governor of Massachusetts called it a city upon a hill. I think a President that I sometimes disagreed with strenuously by the name of Ronald Regan also used, city upon a hill. I would like you to think about that today, because I think it is very appropriate with respect to this legislation, a code of ethical conduct and moral behavior for corporations and Maine leading the nation in passing this code. I think we are a city upon a hill. I think for many, many peoples around the world, Democratic Administrations and Republican Administrations have talked about the importance that America lead. In the State

of Maine today, we have an opportunity to be that catalyst. I think what we are going to do today by passing this code of conduct is send another shot, like the Revolutionary War, for other states to follow.

I want you not only to think about the kinds of oppression that we have talked about and the committee looked hard at and we had members I don't think anybody spoke in opposition or the vast majority of people that testified about sweatshop labor, the kinds of oppression to women and children, child labor in China, oppression in the Latin Americas and the Caribbean Nation. There are workers not allowed to organize, the use of tactics that could only be called military brutal tactics on forced labor in nations. It is important to also realize that what this bill says today and what this code of conduct and behavior says that we are concerned about the people in other countries, but it also affects our citizens in Maine. We have lost thousands and thousands of jobs here in Maine to unfair, unethical behavior by corporations competing with dirt wages for their people, oppressing their people through child labor, forcing our workers out of our textile mills each and every day. We have had examples, my good seatmate, reminded me that there are third-world nations that practice this kind of labor. That is not the word to use, this slavery, in their countries now training their individuals in how to take advantage of the new computer technology, to be the individuals that will provide service to our computer age and paying poverty wages. We have to get away from the fact that in this country that we can compete in a race to the bottom. That is not what America is all about. It is not a race to the bottom, but a race to the top of the hill, the city on a hill that has been mentioned by Presidents of both parties. It is what we are as Americans. We bring people up. I think of John Kennedy and when he reached out to Latin America, South America and the third world. We can take that statement and that job by John F. Kennedy and others today and be a leader here in Maine. We have nothing to fear here. Look at the legislation and look at the code of conduct we are asking. It is simple fairness and decency.

Do you want to stand up for those people being oppressed in other countries to have fair wages, the right to associate, the ability to speak, the kinds of things we enjoy in this country, which we also have to fight for each and every day to make sure that we continue to have, but you also want to fight for Maine workers, our textiles, our industry here in Maine, our working men and women, pass this bill. It starts us on that road to continuing to do that. It champions the experiment of America and democracy. I ask you to stand up and I applaud the committee, Republicans and Democrats, for taking that stand. Let's pass this good bill today.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am here today to urge your wholehearted support on LD 1748. This is a good bill for everybody in the State of Maine, not only in the year 2001, but long after we are gone. I have listened to hundreds of hours of debate in my hometown on what is perceived as the big box syndrome moving into Maine and being so very, very successful that they are running mom-and-dad out of town. The only reason that the big boxes are so successful in the State of Maine and throughout the United States, Europe, the British colonies or wherever is the fact and the one fact that they are able to buy dirt cheap goods from third-world countries that routinely, without even thinking about it, employ 9 year old children. Some of the children that are working as pages in our hall today would be working in a sweatshop in some of these third-world countries. Manufacturing the very goods that you are walking into the big

box store to buy at a dirt-cheap price. Price is not everything. Maine needs to be the leader in this revolution that says, we will not condone, nor will we support by our buying dollars third-world sweatshops and it has to start here.

Bangor, Maine, where I have served very proudly as a councilor for 12 years, was the first municipality in the state to enact a clean clothed campaign purchasing agreement. We will not accept any bid if the manufacturer does not fill out a very, very simple, a third grade child could do it in school, form stating that to the best of their knowledge that the goods that they have purchased from the manufacturer do not come from sweatshop conditions. In the year and a half that we have enacted this thing, we have held up one bid that has come through our purchasing department. They did not complete the form and send it back. That was on the very uniforms that our Fire Department wears. It came back and they were legal. The next finance committee, the bid was approved. They have uniforms that are manufactured under good conditions. Let's be a leader once again as we have been for hundreds of years and say the conditions that are tolerated, encouraged and enforced, these people don't want them, but they are made to do it. It has to stop. The step starts here. Every baby has to learn. They learn to crawl. Bangor passed that crawling stage for you. Now the state can step off and learn to walk and walk proudly. I urge you to vote unanimously. Let's not make this a partisan issue. This is a human rights issue. Everyone in this hall is concerned about human rights. Thank you Mr. Speaker.

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

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. I rise with a very heavy heart this morning to explain to all of you, particularly to many of my friends, why I will be voting against this motion. I could explain to you that I might be doing that for constitutional reasons connected with the relationship between the state and federal government, but I don't think that either you or I would really find that convincing. My reasons lie in economic arguments and I believe there are three that I want to present.

The first is that this bill is founded on a misunderstanding of the process of economic development in the third world. In the third world today, as in the America of 50 and 100 years ago, poor people are struggling to create wealth, to create a middle class, to create a democratic and affluent society out of a society of peasants in transition to an urban society. In those societies as in America in the past, many terrible things are done to exploit cheap labor. That is the process by which countries such as China and Korea are today building democratic middle classes just as we did in the past.

My second argument is that international trade is not a zero sum game. Jobs gained or lost in Maine are not gained or lost in the third world. Discussion of a race to the bottom assumes there will be no change in Maine's economy or in the economies of third-world countries.

Finally, Mr. Speaker, I want to say that we, in Maine, should never be trying to compete for labor-intensive assembly jobs in industries like textiles or shoes. To do so impoverishes Maine and it impoverishes poor countries. Our competitive advantage here is not cheap people, contrary to what this Chief Executive appears sometimes to believe. Our advantage is in smart innovative and productive people in a magnificent natural environment.

The proponents of this bill, Mr. Speaker, who are my friends, believe it will help workers both here in Maine and in the third world. I believe it will do neither and that is why I reluctantly must vote against this bill. I want my friends here to understand that it is possible to be a good liberal and a good friend of

workers and still vote against this bill. I do so reluctantly, but I will be doing so. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. As a native Mainer, I have watched in my lifetime the remaining textile mills, many of the shoe shops and almost all of our industry to be quite frank about it and where did they go? They went to these countries where they could get paid and where they could have \$2 a day help. We can't put our entire hopes in a pie in the sky high tech industry. Yesterday, we got a good example of what can happen when you do that. If we want to fill this state with sophisticated things that we can point to and we can say we are the best, I guess that might be the way to go. You know over the last 40 years that I can remember very well, or even 50 years, Maine has become worse off than we were then. Maine is a poor state and why, with this attitude, let it go. We don't need that, just let it go because we are going to have high-tech. Let's follow that track and we will be that welfare state. Someone will be taking care of us. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I came out on the Ought to Pass report on this bill because I feel very strongly that we have to send a message that we do not support child labor. We do not support women having to be subject to pregnancy tests and if they are pregnant, they are fired. If they refuse overtime, they are fired. They work in sweatshops. If they want a day off, they are fired. We do not put up with those things in this country, nor should we. Therefore, why are we buying goods? They are not cheap when they hit our shores, the price is up there, but the people who do the labor are not getting paid the price they should for their labor. What we are doing is keeping their standard of living where it is and bringing our standard of living down. I think we all believe in a global market, but if we don't do something to help bring the standard of living up for those people, they are not going to be able to afford to buy our goods. Therefore, the whole global market and NAFTA is off. It is not working in the way I envisioned it to work. I envisioned it to work that we would open our markets and they would open their markets and we would help them to bring up their standard of living so they could afford to buy the goods from this country and from our workers. I just really urge you to support the Ought to Pass. Let's get started on a message that the people of this country are not going to buy the goods from sweatshops. We had those in our own country and we did away with them. Let's do away with them in Mexico, China, Korea or wherever they are doing it, the third worlds. Let's stop that and send that message loud and clear that we do not approve of that. Thank you.

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

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

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

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. In reading through the amendment, I would pose a question to the committee members or to anyone who could answer it, how would the state purchasing agent determine a violation? The second question, is during the committee's deliberations on the issue, was it ever considered to just jot down a list of countries that the State of Maine would not do business with? Thank you.

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

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the previous question from the good Representative from North Berwick, how their violations are determined is vague and that is one of my problems. All that is required is the supplier has to sign a statement saying to the best of his knowledge this has not been born in a sweatshop. It doesn't say that the thread that was woven wasn't born in a sweatshop. It simply says that the fabric that he manufactured a tee shirt or something, wasn't born in a sweatshop. This bill does include the opportunity for unnamed monitors of human rights to come into a facility and look at records and things like that. I don't know if this answers your question or not.

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. I have a standard disagreement with my good friend from Bristol, Representative Hall, unlike early America in which our capital investments in early corporations went directly back into this nation, the struggle of third-world nations and the impact on the workers of the first-world nation find that modern capitalism and colonialism exploit the workers in the third-world in moving capital back to the first world or in small sections of the world, but not generating the income and the jobs that he expects to anticipate in the third world over the next few decades. We need to respect the workers in America and respect the workers elsewhere by understanding that the capital investments in third-world countries using sweatshops do not return to either. Thank you.

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: Mr. Speaker, Ladies and Gentlemen of the House. Currently the Turkish government is recognized by all the other governments in the world by their terrible atrocities of human rights violations. They have a practice now of genocide against their own people. They still occupy territory in northern Cyprus. Sanctions against them by the United Nations, they ignore. They are not allowed to join the European Union because they refuse to fix their problems. If this bill passes, will it preclude Bath Iron Works from making and selling ships of destruction that the Turkish government buys from the US government and uses on their own people?

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 Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I think the answer to the question is that the state doesn't own Bath Iron Works. Thank you.

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

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. I know I have spoken on this once. The question was asked, how would compliance be determined? I can't etch it in stone for you or

sand blast it in marble how the state would do it, but I can give you a year and a half experience from the City of Bangor how we have determined compliance. Like most businesses or municipalities, you tend to do business with a known entity. You have to have little faith in American honesty when you send them a questionnaire and it plainly states to the best of your knowledge where these fabrics or where these shirts, pants, shoes or whatever product it is you are bidding on, built under or manufactured under sweatshop conditions if that manufacturer comes back and says, no, to the best of their ability, then you take them at their word. This has not come back to haunt us. No, we do not know, nor do we ask where was the thread manufactured that went into the shirt or where was the nail manufactured that went into the shoe. A little bit of common sense and maybe baby steps have to be taken before you can learn to run. This is the first step in a long reform project that needs to be done nationwide in order to honor and respect the working men and women around the world. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Ladies and Gentlemen of the House. I own and operate a small retail clothing and footwear store in Bucksport. I am very proud to say that I am a participating merchant in the clean clothes organization and have been for a couple of years now. The men and women based out of Bangor originally that organized this effort are very sincere. They are very hardworking. They are very committed to trying to help men and women in the state to make educated choices and initially in their effort that has been the driving force. The power or a well-informed consuming public to be able to make their own independent choices. To be able to walk into a business and to ask all the questions that you have asked and to expect an answer of that business and if the answer isn't satisfactory, then they have the choice to take their business somewhere else. I am concerned, however, that the folks connected with this campaign have chosen to take the route of beginning to implement more and more government mandates, both on a local level and now on a statewide level.

I am concerned about that because I fear that those of us that have the true power, the power to purchase the item will become complacent and will sit back and will expect that now the state can handle the problem for us. The good Representative from Bangor talked about the destructive influence of the big box stores. Speaking as one small retailer, it is always important to remind folks that the power is in the hands of the consumer. If new competition comes in and they are successful and existing businesses fail, those choices were made by the buying public. We all understand what a vote is. We understand the power of Election Day. Every time you go into a business and buy goods or services and you stand up at the counter and you put your money on that counter and hand it to the teller or the person that is serving you, you have placed a vote. You have made an independent decision and you have the power each and every time to ask these questions and make that determination. What I am trying to say is that public education and the power of the consumer is the real way to affect this change, not statewide government mandates.

My third point is that when you are referring to jobs that are lost due to low wage competition, I realize that happens and that has affected areas of the state, but in my part of the state the jobs that we have been losing have been lost because of progressive businesses in other parts of the world, Scandinavia is a good example, where you have had strong partnerships between government and private investment and you have encouraged upgrading, modernization and the ability to produce

products that are highly competitive and meet the demands that today's buying public requires. Our competition is not necessarily from third-world underdeveloped nations, they are highly sophisticated Europeans, in many cases, corporations that are working in partnership with their governments to be world competitors.

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

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. This issue pertains to state contracts only. There is a fiscal note attached to this bill. It is highly inflated and I would ask the Appropriations Committee, if it does come before them to take a hard look at this. I believe it can be implemented within their own budget. Thank you Mr. Speaker.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I think it is important, maybe, to stop and take a look at the bill. I won't read the entire bill, but I will read what I believe is the most important tenants of the bill. That is the code of conduct. Maine is a state that believes employers should fairly compensate hard work. The health and safety of working people should be protected. No form of unlawful discrimination or abuse should be tolerated. The State of Maine's objective is to utilize the state's purchasing power to influence those from whom the state procures products. It is to embrace high standards of ethical behavior, assume a leadership role in socially responsible business practice, encourage openness and disclose with regard to labor practices, utilize tools for self-reevaluation, certification and external monitoring, to demonstrate socially responsible business practices, to comply with all applicable laws and regulations, to treat their employees fairly and with dignity and respect, to promote their general welfare and improve their quality of life, be socially responsible citizens in the countries and communities in which they operate. The State of Maine believes in doing business with vendors, who upon continued discovery of continuing abuse conditions at a particular worksite of their own or a supplier, will use their influence to correct conditions rather than to cease to do business with the state.

This bill, as the good gentile lady, Representative Blanchette, put it very well, is a baby step or a first step. All of us realizes and the committee realizes that. I appreciate the discussion today about an open market and consumers having the ability to make correct choices. I agree with those statements. It is important to realize and come back to the bill. We are talking about state purchasing policy. I would ask, who makes up the state with respect to purchasing policy? The State of Maine, the citizens thereof, we are the individuals that make state policy through this Legislature. As a group, the consumer, i.e., the state, will have to make sure that this code of conduct is followed. It asks in, I think, an enlightened way of our employers that are doing business with Maine that you should adhere to the contract, the code, and utilize your ability in these countries with all of these other folks. Remember, we do have a number of organizations that are fighting these issues each and every day that have a history of fighting these issues. They will be helping with this code. The citizens of the State of Maine that came and testified in favor of this legislation will be there to let the state know when the code has been violated. It is a state purchasing policy. It is the citizens who are the consumers or the ones that make the decision. We have that ability today to put this code into practice. It is a small step, but it is the right step. I appreciate the discussion on this bill, but, ladies and gentlemen, look to the legislation, look what it is trying to do and remember that we are not operating in a vacuum here.

Bangor, Biddeford and cities across the country have already adopted codes of conduct with respect to purchasing. Maine, in some of the days that I remember fondly here of being most proud. I am proud everyday to be here, of being here was the day that Maine, it reminds me somewhat of the discussion here today, when it was the Legislature that said that we will not stand up for apartheid in South Africa. Maine Legislature under the Constitution has certain abilities, not only to regulate with respect to the state, but also to reign into Congress that we do not tolerate discrimination and apartheid in South Africa. We do not appreciate or support discrimination and mistreatment of Irish Catholics. We have done this many, many times. I am remindful of the debate at that time from those that said, no, we can't do this. We have to leave this to somebody else. I don't think the framers ever intended that it be left to anyone else, Thomas Jefferson and others. They envisioned an enlightened American population ready to take hold of the freedoms that we enjoy and to turn that into action steps. We have a great day today to be forthright and to do what I believe is our birthright to say no to sweatshops, to put this policy into affect. It does call for a lot of help from industry and organizations and others that will help us. I believe they will be there with us.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. Representative Rosen has given us a superb challenge today that as we proceed to vote in just a few minutes, we ought to take him up on it. He has asked us to be smart and good consumers making choices that treat people well. We, as the State of Maine, have been looking for just kind of policy and we are beginning it here. Let's take up his challenge and vote appropriately to make a good decision in our purchases.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I grew up in the '50s when one wage earner could support a family. One wage earner could provide for food, housing, transportation and health care for his family. We had well regulated American companies with laws that kept those companies here and providing livable wages for us. Now we have strong multi-national companies with a weak federal government that encourages off shore movement of jobs to serve the interests of those companies. Now, it takes two or sometimes three wage earners to provide housing, food, transportation and possibly health care for a family. If we do not get a handle on this issue, it will get worse. It is time state government and federal government serves the people who elected them and not the corporations who try to buy them.

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

Representative **CRESSEY**: Mr. Speaker, Men and Women of the House. I urge each of us to vote against this pending motion. We already know who the offending parties are. This is an unnecessary bill because the state purchaser already has the authority to decide whether or not to buy from the offending country or the offending company. Furthermore, this amended bill is unworkable. It is impractical as the good Representative from Newport has demonstrated for us.

Finally, men and women of the House, beware of the law of unintended consequences. This bill can be interpreted as racist and discriminatory against all countries that are non-white. It is interesting in committee that not one white nation was mentioned as being an offending country or company. Certainly our reputation as an imperialist nation will be further embedded upon our allies and friends of the world if we pass this bill. We can

justify our viewpoint on the intent of this bill. However, I believe we will be faced with negative consequences if this bill passes. For all these reasons, I respectfully request that we all vote nay.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to share with you the first day that I met my father-in-law. We were at a logging operation together, he was teaching me how to be a logger. We were buying some products. I was looking at a product and it was made in China. He growled at me and he said to put that down. From that day on he instilled in me this appreciation of Maine made products and American made products. I stand here today feeling a bit troubled by some of the testimony that I hear when I hear the same people telling us that we should tell other countries how to make their products and then they drive a Japanese made car and they come in here and they have products made in China that are handed out from FAME. I hear them buying products that are made in Canada. I just see that as a little hypocritical. I say to you, ladies and gentlemen of the House, that we should set an example first in this country, before we tell other countries how to raise their people and how to dictate to their people their businesses. Ladies and gentlemen of the House, I heard earlier that one individual stood and said we needed to trust some of these countries. Some of these countries drag their citizens into the street and assassinate them without any recourse. Can we trust them to give us their word? I say, no. I believe this legislation will do nothing but make us feel good, until we first teach our own citizens to be better shoppers. How we do that is to set an example. I believe that would be a good starting point. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with many of the comments made today, particularly individual responsibility. It is going to be very difficult to vote that state must do what we think they should do, be responsible, when, I, as an individual, probably haven't been. I don't want anybody going into my house and checking my closet to see where stuff was purchased or where it was made. I probably could feel pretty smug and say I own two American made automobiles, Chevrolet, truck and car. I am not so sure how American they really are. You can also buy a Camry that was probably assembled in Kentucky. It is extremely difficult. However, I don't think we need a commission set up. I think we already know enough. We have enough consumer watchdog groups out there. Kathy Lee, for example, got caught endorsing products that came out of sweatshops. I think enough of that is getting out. If we want to be responsible, we can do the same as an individual and say, look, we know that is coming out of a sweatshop. I can find that out if I want to. Probably, unfortunately, guilty as I am, I was probably more interested in that bottom line when I bought the product. Maybe if I want to be a little more responsible and socially conscience as I should be, I could probably check the list and say, where was that made and was that made by children in sweatshop conditions working long hard hours? We all agree that is unfair. I think we ought to clean up our own act before we start telling someone else, the state or whoever, to make sure we do things right. Thank you.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to say that we are not telling foreign governments what to do. We are not telling the businesses in those countries what to do. Having been in

business myself, I know the quickest way to my head was through my pocketbook. That is basically what we are saying. If you can't abide by the laws of your own country and most of these countries have laws that in a lot of ways mirror ours. They don't have laws that permit the treatment that these workers get. All we are saying to them is if you can't even abide by your own laws, we simply won't buy your product. You don't have to change a thing. Continue just as you are doing, but we just simply won't buy your product. This is what this amounts to. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to bring a little history into this conversation. Representative Matthews touched on it briefly a moment ago. Back in the '80s we had a great debate in this House about disinvesting taxpayer's money in the government of South Africa. They practiced a form of government called apartheid. That debate wasn't wrapped around what citizens were going to spend their money on or where they were going to invest, it was the state's money that we were discussing. As now, we are discussing how the state is going to spend its money. Nobody is telling me where I can buy my shoes. If I want to buy them in Lap Land, I can do that. The taxpayer's dollars is what we are spending here. They have a right to know that their money isn't being spent in sweatshops. If we are going to practice not having them here, then we should at least expect our money not to support sweatshops elsewhere. I hope that people would vote that way. Thank you very much.

The SPEAKER PRO TEM: A roll call having been previously 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. 208

YEA - Andrews, Ash, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fuller, Gagne, Gerzofsky, Glynn, Green, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Gooley, Hall, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, McNeil, Mendros, Morrison, Muse K, Nass, Nutting, Pinkham, Rosen, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Bruno, Cote, Dugay, Estes, Fisher, Goodwin, Landry, Lovett, Madore, Marrache, Mitchell, Quint, Schneider, Stedman, Tuttle, Wheeler GJ.

Yes, 87; No, 45; Absent, 19; Excused, 0.

87 having voted in the affirmative and 45 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-501) 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-501)** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Teacher Certification for Targeted Need Areas" (H.P. 803) (L.D. 1047)

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

RICHARD of Madison

DESMOND of Mapleton

SKOGLUND of St. George

STEDMAN of Hartland

ANDREWS of York

WESTON of Montville

LEDWIN of Holden

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

Signed:

Senators:

NUTTING of Androscoggin

ROTUNDO of Androscoggin

Representatives:

WATSON of Farmingdale

ESTES of Kittery

CUMMINGS of Portland

READ.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. This particular bill is something we addressed in the 119th Legislature. We asked the State Board of Education to adopt rules to establish the criteria under which targeted need area certificates may be issued. They have done their review. They have gone through the Administrative Procedures Act and we will receive their report on Monday. Therefore, it would appear that this bill is not necessary.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)** on Bill "An Act to Amend School Immunizations Requirements"

(H.P. 1163) (L.D. 1563)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison

DESMOND of Mapleton

SKOGLUND of St. George

WATSON of Farmingdale

CUMMINGS of Portland

LEDWIN of Holden

STEDMAN of Hartland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-447)** on same Bill.

Signed:

Representatives:

ESTES of Kittery

ANDREWS of York

WESTON of Montville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-446)** 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-446)** and sent for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Establish a Moratorium on Aquaculture Leases in Blue Hill Bay

(H.P. 927) (L.D. 1241)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)** in the House on May 17, 2001.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative LEMOINE of Old Orchard Beach, the House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Emergency Measure

An Act to Create the Legislative Youth Advisory Council

(H.P. 1315) (L.D. 1779)

(C. "A" H-474)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and

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

Acts

- An Act to Fund the Maine Biomedical Research Program
(S.P. 42) (L.D. 210)
(C. "A" S-210)
- An Act to Reinstate Emergency Assistance for Veterans
(S.P. 60) (L.D. 224)
(C. "A" S-209)
- An Act to Create the Maine EPSCoR Capacity Fund
(H.P. 198) (L.D. 228)
(C. "A" H-479)
- An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness
(H.P. 292) (L.D. 370)
(C. "A" H-480)
- An Act to Appropriate Funds for the State's Share of the Budget to Operate the Northeast Legislative Association on Prescription Drug Pricing
(H.P. 309) (L.D. 387)
(C. "A" H-476)
- An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability
(H.P. 377) (L.D. 479)
(C. "A" H-491)
- An Act to Amend the Laws Pertaining to Domestic Violence
(S.P. 232) (L.D. 797)
(C. "A" S-172)
- An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work
(H.P. 789) (L.D. 1033)
(C. "A" H-493)
- An Act to Establish the Maine Firefighter Training Fund
(H.P. 804) (L.D. 1048)
(S. "A" S-207 to C. "A" H-159)
- An Act to Support the Building Alternatives Program
(H.P. 870) (L.D. 1149)
(C. "A" H-477)
- An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors
(S.P. 351) (L.D. 1165)
(C. "A" S-205)
- An Act to Fund the Capital Construction and Improvements Reserve Fund
(S.P. 397) (L.D. 1313)
(C. "A" S-208)
- An Act to Provide Funding for a Low-barrier Homeless Teen Shelter
(H.P. 1016) (L.D. 1365)
(C. "A" H-478)
- An Act to Protect Off-track Betting Facilities
(H.P. 1078) (L.D. 1447)
(C. "A" H-481)
- An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues
(S.P. 457) (L.D. 1510)
(C. "A" S-206)
- An Act to Improve the Licensing and Regulation of Denturists
(S.P. 520) (L.D. 1639)
(C. "A" S-204)
- An Act to Provide for Remediation of Abandoned Landfills

(S.P. 564) (L.D. 1724)

An Act to Amend the Crime of Endangering the Welfare of a Child

(S.P. 588) (L.D. 1764)
(C. "A" S-203)

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, Regarding Reimbursement for Optometrists Under the Medicaid Program
(H.P. 702) (L.D. 917)
(C. "A" H-490)
 - Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees
(H.P. 856) (L.D. 1128)
 - Resolve, Authorizing the Department of Defense, Veterans and Emergency Management to Accept Land for a Veterans' Cemetery in Southern Maine
(H.P. 1348) (L.D. 1803)
 - Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994
(H.P. 1350) (L.D. 1807)
 - 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 Expand the Collection of DNA Samples from Convicted Offenders
(H.P. 1165) (L.D. 1565)
(C. "A" H-468)
 - Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
 - On motion of Representative TRACY of Rome, was **SET ASIDE**.
 - The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.
 - On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Requested)
-
- An Act to Ensure Access to Health Insurance
(H.P. 1256) (L.D. 1703)
(C. "A" H-370)
 - Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
 - On motion of Representative GLYNN of South Portland, was **SET ASIDE**.
 - The same Representative 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.
 - On further motion of the same Representative, **TABLED** pending his motion to **INDEFINITELY POSTPONE** the Bill and

all accompanying papers and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Clarify Referendum Wording"

(H.P. 600) (L.D. 755)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
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-505)** on same Bill.

Signed:

Representative:

HEIDRICH of Oxford

READ.

Representative CHIZMAR of Lisbon moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. This is an appeal to this body to help Mr. and Mrs. John Q. Citizen to have a clear shot at understanding referendum questions. The issue is that the wording should be positive to the issue so that when you vote yes, you mean yes and you vote no, it means no. In here we have a lot of motions that come up that make us vote yes, when it means no and no means yes, but the general public is not accustomed to that. We should not put forward a referendum where you need to vote no in order to be in favor of it. You have been given a pink flyer that have some examples of actual referendum questions on the left column and they are negative and how they should have read is on the right side, which is a positive and that would mean a yes vote means yes. On the blue paper that you were given are the actual questions from last November's ballot. They are all worded correctly. The opponents of this bill say that positive wording will prejudice the voter. If you will notice, all the questions on last November's ballot were all worded correctly and they were all defeated, in spite of the positive wording. I ask you to consider doing a favor for the citizens of Maine and support this bill and vote against the pending motion. Mr. Speaker, I would call for a roll call.

Representative SHIELDS of Auburn **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 Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. There are some technical issues with this proposed legislation. The bill, if you don't have a law book in front of you, it is going to be very difficult to follow, only amends Section 906.6, Paragraph C, without changing the preceding paragraph. It sets up a conflict between the requirement that the affirmative vote be in favor of the question, not the position of the petitioner, which is the new Paragraph C and the requirement that the question describe the subject matter of the initiative, which is the current B. Both requirements cannot be met when the subject matter of the initiative is to ban or repeal. Thank you.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. I would urge that we accept the Majority Ought Not to Pass Report, 12 to 1, on this issue. Let me raise two things that some of you might remember. In 1989, we had an initiative question, do you favor stopping cruise missile tests in Maine? If LD 755 were passed, this is how it would be worded. Do you favor continuing cruise missile tests in Maine? In 1996, we had the following question, do you want Maine to ban clear-cutting and set other new logging standards? If LD 755 were to pass, that question would have read as follows, do you want Maine to allow clear-cutting and set other new logging standards? Ladies and gentlemen of the House, I strongly urge your acceptance of the Majority Report and urge you not to mess with this and to make the referendum situation more confusing than it can be today. 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. 209

YEA - Andrews, Annis, Ash, Berry RL, Blanchette, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, McNeil, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Belanger, Berry DP, Bouffard, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Davis, Duprey, Foster, Haskell, Heidrich, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, O'Brien JA, Perkins, Pinkham, Shields, Snowe-Mello, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Bliss, Cote, Dugay, Estes, Fisher, Goodwin, Kane, Landry, Lovett, Lundeen, Marrache, McGowan, McKee, Mitchell, Paradis, Richardson, Sherman, Stedman, Tuttle, Weston, Wheeler GJ, Young.

Yes, 94; No, 33; Absent, 24; Excused, 0.

94 having voted in the affirmative and 33 voted in the negative, with 24 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags

(H.P. 1351) (L.D. 1808)

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. 121 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, to Improve Services to Persons with Mental Retardation

(H.P. 954) (L.D. 1268)

(C. "A" H-494)

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 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Revise the Sewer Lien Laws

(H.P. 381) (L.D. 483)

(C. "A" H-460)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 10 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act Relating to Personal Privacy and Governmental Information Practices

(H.P. 1234) (L.D. 1681)

(C. "A" H-461)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 27 against, and accordingly the Mandate 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 Expand the Collection of DNA Samples from Convicted Offenders

(H.P. 1165) (L.D. 1565)

(C. "A" H-468)

Which was **TABLED** by Representative TRACY of Rome pending **PASSAGE TO BE ENACTED**. (Roll Call Requested)

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. 210

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Clark, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Duncan, Dunlap, Duprey, Foster, Fuller, Gagne, Glynn, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Kane, Koffman, Labrecque, Ledwin, Lemoine, Lessard, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McKee, McKenney, McNeil, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Patrick, Peavey, Perry, Pineau, Povich, Richard, Rines, Rosen, Schneider, Shields, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Bryant, Canavan, Chizmar, Dorr, Dudley, Duplessie, Etnier, Gerzofsky, Green, Hutton, Jones, Kasprzak, LaVerdiere, Laverriere-Boucher, McGlocklin, McLaughlin, Mendros, Michael, Norbert, Perkins, Pinkham, Quint, Savage, Simpson, Smith, Thomas, Tracy, Twomey, Usher, Volenik.

ABSENT - Bagley, Baker, Bliss, Cote, Dugay, Estes, Fisher, Goodwin, Landry, Lovett, Lundeen, Marrache, McGowan, Mitchell, Paradis, Richardson, Sherman, Stedman, Tessier, Tuttle, Wheeler GJ, Young.

Yes, 99; No, 30; Absent, 22; Excused, 0.

99 having voted in the affirmative and 30 voted in the negative, with 22 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 Ensure Access to Health Insurance

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

(C. "A" H-370)

Which was **TABLED** by Representative GLYNN of South Portland pending his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers. (Roll Call Ordered)

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion to Indefinitely Postpone this LD and accompanying papers. When this bill was considered before the Banking and Insurance Committee, I had opposed the bill based on the fact that it will raise health insurance costs. Since that time and since the consideration by the House, I have been contacted by folks that have brought into light considerable problems with the wording of this bill. Essentially this bill is not about providing equal access to folks for health insurance. In fact, it sets up an entirely discriminatory practice. If you are a married couple and you would like to extend your health insurance benefits to a blood relative, you will be denied under the wording of this bill. If, in fact, you are single and you would like to extend health insurance benefits to a blood relative and you meet the criteria, it will be allowed. Essentially we are enacting yet another marriage penalty. I take great exception to that. We have penalty after penalty after penalty in this state against the institution of marriage. I rise in opposition to that and I take great

exception to that. If you look at our tax code, we have a marriage penalty in our income tax code. In our income tax code, you pay more income taxes than anyone if you engage in marriage in this state. If this LD passes, you will have discriminatory practices against married people for health insurance. I hope that you join with me in this Indefinite Postponement. I thank you.

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative GLYNN of South Portland to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

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

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

Representative **CUMMINGS**: Mr. Speaker, Men and Women of the House. In my absence last night, I would like to vote on roll call number 205, yea, roll call number 204, nay, roll call 207, yea. Thank you.

On motion of Representative BOUFFARD of Lewiston, the House adjourned at 1:56 p.m., until 10:00 a.m., Monday, May 21, 2001 in honor and lasting tribute to Mary Glen Rosenberg, of Lewiston.