

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
54th Legislative Day
Tuesday, May 22, 2001

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

Prayer by Reverend Tracy Reeves, Pine Tree United Methodist Ministries, Orland.

National Anthem by Monmouth Middle School Chorus.
Pledge of Allegiance.

Doctor of the day, Kathryn Yung, M.D., Portland.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 271)

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

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 132 Resolve, to Establish a Cold Case Homicide Squad within the Department of Public Safety
- L.D. 1017 An Act to Allow Compassionate Leave to State Prisoners
- L.D. 1315 An Act to Expand the Crime of Assault on a Law Enforcement Officer
- L.D. 1470 An Act to Enhance Enforcement and Prosecution of Computer-related Crimes
- L.D. 1508 An Act to Place a 2% Surcharge on all Criminal and Traffic Fines to Fund the Efforts of the Maine Computer Crimes Task Force
- L.D. 1662 Resolve, to Study the Emergency Medical Services System
- L.D. 1727 An Act to Control the Abuse of Designer Club Drugs by Adding Certain Drugs to the List of Schedule W and Schedule X Drugs

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

Sincerely,
S/Sen. Michael J. McAlevey
Senate Chair
S/Rep. Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 272)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 16, 2001

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

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 1403 Resolve, to Establish the Task Force on School Governance
- H.P. 1299 Joint Study Order Relative to the Joint Select Committee to Examine the Availability of Textbooks in Primary and Secondary Schools

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

Sincerely,
S/Sen. Betty Lou Mitchell
Senate Chair
S/Rep. Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 273)

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

May 16, 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. 451 An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the Temporary Assistance for Needy Families Program
- L.D. 1167 An Act to Disclose Prescription Drug Marketing Activities
- L.D. 1226 An Act to Increase the Amount of Income That May Be Retained by a Nursing Home Resident
- L.D. 1345 Resolve, to Establish the Legislative Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-home and Home Health Care Services

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. 274)

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

May 16, 2001

Honorable Michael H. Michaud, President of the Senate

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

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

- L.D. 1311 An Act to Amend the Workers' Compensation Laws Regarding Contracts for Services to Administer Reimbursement Requests
- L.D. 1332 An Act to Improve Retirement Benefits for Marine Patrol Officers
- H.P. 513 Joint Study Order Relative to the Joint Select Committee to Study the Offset in Social Security and Maine State Retirement System Benefits

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 275)

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

May 16, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1140 Resolve, to Clarify the 3-mile Fishing Waters in Saco Bay
- L.D. 1786 An Act to Amend the Review Criteria for Submerged Leases of Coastal Waters

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

Sincerely,
S/Sen. Kenneth F. Lemont
Senate Chair
S/Rep. David G. Lemoine
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 302)
**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

May 21, 2001
Honorable Millicent M. MacFarland
Clerk of the House

120th Legislature
Augusta, ME 04333
Dear Clerk MacFarland:

Please be advised the Senate today Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Require the State to Pay for Veterans' Obituaries and State Flags." (H.P. 416) (L.D. 537)

The President appointed on the part of the Senate:
Senator Douglass of Androscoggin
Senator Bromley of Cumberland
Senator Woodcock of Franklin

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 303)
**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

May 21, 2001
Honorable Millicent M. MacFarland
Clerk of the House
120th Legislature
Augusta, ME 04333
Dear Clerk MacFarland:

Please be advised the Senate today Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Legalize Hemp for Agricultural Purposes." (H.P. 882) (L.D. 1174)

The President appointed on the part of the Senate:
Senator Kneeland of Aroostook
Senator Nutting of Androscoggin
Senator Kilkelly of Lincoln

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

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative PERRY of Bangor, the following Joint Resolution: (H.P. 1355) (Under suspension of the rules, cosponsored by President MICHAUD of Penobscot and Representatives: ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BRUNO of Raymond, DUPREY of Hampden, FISHER of Brewer, JODREY of Bethel, JONES of Greenville, LEDWIN of Holden, NORTON of Bangor, RINES of Wiscasset, ROSEN of Bucksport, SOCTOMAH of the Passamaquoddy Tribe, THOMAS of Orono, TREADWELL of Carmel, Senators: LONGLEY of Waldo, SAWYER of Penobscot, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION COMMEMORATING LIFEFLIGHT OF MAINE

WHEREAS, Maine is the 4th most rural state in the country by population and has a large workforce in rural areas dependent on farming, forestry operations and fishing; and

WHEREAS, Maine's woods, lakes, rivers and mountains are nationally recognized as 4-season prime recreational areas; and

WHEREAS, Maine's community acute care hospitals are disbursed across the State, often with lengthy travel times between hospitals; and

WHEREAS, patients in rural areas have a significant increased risk of death and morbidity from trauma and critical illness due to distance and travel times to major trauma and tertiary-care medical centers; and

WHEREAS, patients needing amputations, organ transplants and specialized burn and medical care have often been underserved in Maine due to distance and travel time; and

WHEREAS, an air medical critical care transport system is essential to saving lives in rural areas, is an effective means of improving access to specialty care and integrating community tertiary health care systems and is essential to reducing duplication of expensive fixed medical technology; and

WHEREAS, prior to September 1998, Maine was the only state in the country without access to a dedicated air medical system; and

WHEREAS, Eastern Maine Healthcare and Central Maine Healthcare collaborated in 1998 to form LifeFlight of Maine, which has implemented a cost-effective air medical system with the highest standards of clinical care and flight safety to support all of Maine's hospitals and emergency medical centers, with the following notable achievements:

1. Implementation of an air medical critical care transport system available to all of Maine's citizens and visitors regardless of ability to pay;

2. Transportation of over 500 critically ill or injured patients from every hospital in Maine to specialty centers in Maine and Boston, effectively linking all of Maine's hospitals with needed specialty care;

3. Responses to emergency accident scenes and remote health care clinics and transportation of over 200 critically ill or injured patients from every county in Maine to trauma centers in Maine;

4. Significant contributions to the development of air medical infrastructure by the installation of a statewide communications system, development of flight, communications and refueling facilities at Eastern Maine Medical Center and Central Maine Medical Center, assistance in the development of dedicated helipads and development of maintenance facilities at Bangor International Airport and the Auburn-Lewiston Municipal Airport; and

5. Implementation of a statewide safety training program for ground personnel, training over 5,000 public safety personnel, fire personnel, emergency medical technicians and paramedics, nurses, physicians and persons working in the northern Maine woods; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this occasion to recognize the 2nd anniversary of LifeFlight of Maine and to commend LifeFlight for its service to all of Maine's citizens and visitors; and be it further

RESOLVED: That we commend LifeFlight's parent organizations, Eastern Maine Healthcare and Central Maine Healthcare, for their vision, commitment and investment on behalf of all the citizens, visitors and health care practitioners of the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the administration of LifeFlight of Maine and the boards of directors of Eastern Maine Healthcare and Central Maine Healthcare.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative Perry.

Representative PERRY: Mr. Speaker, Men and Women of the House. I am very pleased today to be standing in recognition of Life Flight of Maine and all the good work they have done. The Clerk did a fine job noting all the achievements of Life Flight of Maine on their second year anniversary. Life Flight and Eastern Maine Medical Center is right in my back yard. When I am home and riding around, I often see the helicopter taking off from the hospital and I can't help every time I see it but thinking that I hope they are okay, wherever the helicopter may be going. I know how many lives have been saved by remote access and the air bridges they have created throughout the entire state, the service they provide to all the rural hospitals, picking up critically injured patients, maybe amputees, maybe high-risk obstetrical care.

A friend of mine from high school is one of the nurses on Life Flight. I know how dedicated these people are. He was a big guy. He was a lineman on the football team and when this came to town, he wanted to be part of it. He wanted to get out and help injured people. He had to drop 30 pounds to get on board. There was a 200-pound limit. I don't know how he did it, but he did. He was very dedicated. I think that is just a sign of the commitment these people have and the great work they have been doing.

It is my pleasure and privilege to congratulate Eastern Maine Health Care and Central Maine Medical Center, private nonprofit hospitals, for taking the vision to bring Life Flight to Maine. Thank you.

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

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am very proud to be standing here to offer my congratulations to Eastern Maine Medical Center and to Central Maine Medical Center. For those of us, as it was pointed out by the good Representative Perry, who live in rural areas, Life Flight is a vital link to the first-class medical care available in Maine.

I guess we have arrived in this state. We have entered the modern world, which is really a blessing. Life Flight of Maine's medical helicopters fly lifesaving equipment and medical personnel direct to critical medical emergencies in Maine and transporting patients to the closest approximate hospital. They also transfer critically ill or injured patients requiring rapid transfer from one hospital to another. It just amazes me every day that we have this in our areas. I know I, for one, am very blessed. I know the people in Androscoggin County are truly blessed to be as fortunate as we are to have the service at Central Maine Medical Center. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Machias, Representative Bagley.

Representative BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to honor Life Flight for its dedicated professional service to the citizens of Maine, especially the rural areas of the state where time and expert care can be crucial. I believe I am the only member of this body who has had direct care from Life Flight of Maine. I have no recollection of this trauma, so I have to relate what my daughters have told me. My association with Life Flight of Maine began on November 26 of last year when I was taken to the Down East Community Hospital in Machias. The emergency room staff determined my need for immediate intensive medical attention. Life Flight of Maine was called. I was picked up in Machias and it was a 20-minute flight to Eastern Maine Medical Center, as compared to a two-hour trip by ambulance. I received highly skilled and specialized care from the personnel that accompanied me to EMMC and during my transfer to the critical care unit. To the people who saw a need and made it a reality

and to the highly skilled and dedicated professionals, you have our deepest appreciation. Thank you for being there for us. You were a key factor in saving my life. I salute you for your dedication, your professionalism and your commitment to the citizens of Maine and our visitors. I consider myself to be truly blessed to have had access to your service. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. It is a privilege for me to stand here today and congratulate Life Flight of Maine on its second anniversary. Many of you know at the time Life Flight of Maine was launched in Maine, I was working in a different profession as the Regional Coordinator for Emergency Medical Services. I can tell you that in 1998 Life Flight of Maine had a significant series of obstacles to overcome prior to operation of an air ambulance service in Maine. The first was perhaps one that they had no control over. That was the tragedy of Maine's last air ambulance service and its operation in the southern part of the state. The second was the simple cost inherent in instituting staffing and maintaining a successful air ambulance service in the state. The third was the regulatory hurdles that an air ambulance service needs to overcome in order to operate here or anywhere. Today, because of the dedicated leadership of a doctor in Eastern Maine Medical Center, their staff, an exceptionally qualified group of pre-hospital practitioners, Maine boasts a highly qualified and professional air ambulance service that provides critically needed pre-hospital emergency care throughout the State of Maine. It should give the folks at Life Flight of Maine, the Legislature and the people of Maine a great deal of pride to recognize Life Flight's second anniversary. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. Very briefly, as an EMT in Freeport, I have had the occasion more than once to directly interact with Life Flight. We have had occasions of emergency calls with critical injuries where we have had to call Life Flight and utilize their services. Their work was always highly professional and very skilled. I am very proud to have worked with them. I also want to recognize the role that all the various entities here in Maine, including Maine Medical Center, have played in Life Flight of Maine. I thank you very much for this service that you are providing to the State of Maine. Keep up the good work. Thank you Mr. Speaker.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I am very proud to rise this morning to recognize all the dedicated employees from Eastern Maine Health Care. I was particularly moved to see our colleague from Washington County, from Machias, rise this morning and speak. Thank you.

ADOPTED.

Sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1106) (L.D. 1475) Resolve, to Establish a Commission to Respond to the Crisis in Access to Oral Health Services for

Residents of the State (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-538)**

(H.P. 1168) (L.D. 1568) Bill "An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-539)**

(H.P. 1321) (L.D. 1782) Resolve, Regarding Legislative Review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-540)**

(H.P. 1343) (L.D. 1798) Bill "An Act to Amend the Charter of the Buckfield Village Corporation" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-535)**

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**.

ENACTORS

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

(H.P. 1312) (L.D. 1776)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety

(H.P. 1313) (L.D. 1777)

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

Acts

An Act to Continue the Privacy Protection of Health Care Information

(H.P. 209) (L.D. 244)

An Act to Increase the Forest Management Planning Income Tax Credit

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

(H. "A" H-427 and H. "B" H-473 to C. "A" H-359)

An Act to Require Election Law Training to Voter Registrars and Clerks

(H.P. 483) (L.D. 623)

(C. "A" H-503)

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

(H.P. 941) (L.D. 1255)

(H. "B" H-483 to C. "A" H-437)

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

(H.P. 1095) (L.D. 1464)

(S. "A" S-218)

An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws

(H.P. 1339) (L.D. 1794)

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

Resolves

Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program

(H.P. 177) (L.D. 188)

(C. "A" H-511)

Resolve, to Establish a Task Force to Refine the Governance and Funding of the Education Research Institute

(H.P. 950) (L.D. 1264)

(C. "A" H-487)

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 Encourage the Use of Locally Grown Foods in School Food Service Programs

(S.P. 376) (L.D. 1214)

(S. "A" S-174)

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

On motion of Representative CLOUGH of Scarborough, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 224

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan,

McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Bruno, Chase, Clough, Cressey, Daigle, Davis, Duprey, Foster, Haskell, Kasprzak, MacDougall, Morrison, Schneider, Snowe-Mello, Treadwell, Waterhouse.

ABSENT - Baker, Berry RL, Buck, Etnier, Hawes, Marrache, McKenney, Mendros, Muse K, Povich, Quint, Simpson, Skoglund, Stedman, Tuttle, Winsor.

Yes, 119; No, 16; Absent, 16; Excused, 0.

119 having voted in the affirmative and 16 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Amend School Immunizations Requirements

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

(C. "A" H-446)

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. On occasion when we request a roll call people are concerned that they don't know why we are asking for one. I am against mandatory immunizations and that is why I am requesting a roll call so I can vote on it. Thank you.

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

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

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

ROLL CALL NO. 225

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

NAY - Clark, Clough, Cressey, Duprey, Haskell, Kasprzak, Michael, Sherman, Treadwell.

ABSENT - Baker, Berry RL, Buck, Etnier, Hawes, Jones, Marrache, McKenney, Mendros, Muse K, Povich, Quint, Simpson, Skoglund, Stedman, Tuttle, Winsor.

Yes, 125; No, 9; Absent, 17; Excused, 0.

125 having voted in the affirmative and 9 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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)
(C. "A" H-501)

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

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

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. As you will recall, this bill creates a costly new study. It creates a new position in government. It allows activist groups who are as of yet undefined to go onsite to factories to monitor them. It forces suppliers to disclose information. There is no appeal process for losers. Once again, it is big government intrusion on small business. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to make one last ditch effort to appeal to common sense and good judgment. This bill references standards that cannot be defined. It imposes sanctions that cannot be enforced. It serves no real purpose, other than thickening the law books of our state. It falls perfectly within the parameters of feel-good legislation perhaps, to some. I would ask you to look at this and ask yourself, what are we doing in passing this bill?

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. 226

YEA - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hutton, Jacobs, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Richard, Richardson, Rines, Savage, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Hall, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Landry,

Ledwin, Lovett, MacDougall, Madore, McNeil, Morrison, Murphy T, Nass, Nutting, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Young.

ABSENT - Andrews, Baker, Buck, Etnier, Hawes, Jones, Marrache, McKenney, Mendros, Muse K, Povich, Quint, Simpson, Skoglund, Stedman, Tuttle, Winsor.

Yes, 81; No, 53; Absent, 17; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, to Reduce Unnecessary Controversy in the Workers' Compensation System

(S.P. 198) (L.D. 670)
(C. "A" S-189)

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

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

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

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Like a lot of the committees this year, we were under the gun on the Labor Committee to complete our work by the designated time. We voted on several bills that were being amended before we read the final draft of the amendment. This is one of those bills.

The original LD 670 said that it was an act to strengthen Maine's worker advocate system. It had a very hefty fiscal note and there was a vote taken, which was a divided report. The amendment was not there at that time. The amendment changed the entire bill and changed the title, which came out as "Resolve to Reduce Unnecessary Controversy in the Workers' Comp System." I am still confused with so many changes in the title. It does more than the original bill. It is going to do a study that would be, I think, very detrimental to the functioning of the comp system. This is going to require the Comp Board to report back. Perhaps there will be no major damage done, but I want to be on record as voting against this LD. Thank you Mr. Speaker.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask you, before you vote on this, to read the summary that is contained with the Committee Amendment. The Workers' Compensation System is presently clogged with a lot of disputes that have no reasonable basis. There are carriers who are disputing just for the sake of disputing hoping that the claims will go away and fail. What this bill does is direct the board and give the board authority to study those carriers who are misusing the process, who are just contesting without a reasonable basis, instead of giving more advocates to fight against more of the unreasonable denials. It gives the board \$40,000 in its reserve account to improve technology for audit enforcement and monitoring. From that point there, the companies that are misusing the process can be penalized. If you want the Workers' Compensation System to work, this is a small price to pay to see that those parties will face up to their responsibilities.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I rise just to clarify a couple of items. This bill when it came to committee was trying to increase costs to the Workers' Comp System by adding more advocates and what have you. This committee has worked very hard this time. You are going to find many bills coming across your table that have a title that will scare you and then you find out that the amendment has taken away the scary things and maybe read the item to be more accurately describing what we are trying to achieve at enactment. This is a new title at enactment.

I would disagree with the good Representative from Carmel when he said we do things and amendments come out later. It was very clear that we were going to take \$40,000 out of the reserve account. It is the reserve account that the Workers' Compensation Committee has to put into computerization so that we can effectively do what they are charged with today, which is to do audits upon themselves and find out who has been naughty and who has been nice and to go out and enforce the Workers' Comp System against insurance companies with the end result of reducing costs. This committee has worked very hard this year at not expanding costs of workers' comp, but trying to move forward with the proper methods to reduce costs within the system and make sure that the people that aren't playing fair are penalized for that. The only way to do that is to do some accounting and to do some studying and to give them the tools necessary with the computer language to properly do their job. I would ask that you would support this bill. It is a good bill for business. It is a good bill for labor. It is a good bill for anybody that wants to ensure that the cost of the Workers' Comp System stays contained and does not grow in the future. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Good morning. My difficulty with the particular amended bill in front of us, the day that we came to the decision, we had tapped into the reserve fund that has about \$1.7 million in it. The Workers' Comp System is going to require \$700,000 of that reserve fund to operate in the next year. There is an additional bill that will take an additional \$125,000 for a study that we believe needs to be done, at least most of us. This particular amended bill of \$40,000 was just tapping into a reserve fund that is paid totally by employers of this state. That is why I was on the Ought Not to Pass side. Thank you.

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

ROLL CALL NO. 227

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

NAY - Andrews, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich,

Honey, Jodrey, Kasprzak, Labrecque, Landry, Ledwin, Lovett, MacDougall, Madore, McNeil, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Young.

ABSENT - Baker, Buck, Etnier, Hawes, Marrache, McKenney, Mendros, Muse K, Povich, Quint, Stedman, Tuttle, Winsor.

Yes, 86; No, 52; Absent, 13; Excused, 0.

86 having voted in the affirmative and 52 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

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

Bill "An Act to Enhance the Observance of Veterans' Holidays"

(H.P. 937) (L.D. 1251)

- In House, Minority (1) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465)** on May 16, 2001.

- In Senate, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - May 17, 2001 (Till Later Today) by Representative **RICHARDSON** of Brunswick.

PENDING - FURTHER CONSIDERATION.

On motion of Representative **BOUFFARD** of Lewiston, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

An Act to Ensure Access to Health Insurance

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

(C. "A" H-370)

TABLED - May 18, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING - Motion of Representative **GLYNN** of South Portland to **INDEFINITELY POSTPONE** Bill and 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 the motion to Indefinitely Postpone this bill and its accompanying papers. I would like to share with you some information that I received following our last vote on this issue. It was stated by several members of the chamber and by handout that was circulated that the Catholic Diocese of Portland was in support of this bill. Having spoken with the Catholic Diocese, I have a handout that I would like to have distributed to the House. I didn't realize we would be voting on this this soon and it will be soon circulated. It shows the position of the Catholic Diocese is, in fact, not in favor of the bill. They testified, in fact, neither for nor against. In this

press release from Mark Muddy on May 17 it states, "In associating health care costs with domestic partnerships is a false association comparing domestic partnerships as marriage, like relationships, serves to diminish the sanctity of marriage and gives the impression that one form of commitment is equal to the other. This reasoning is counter to the tenets of the Catholic Church and is contrary to the founding principles of the country as well. We are disappointed that the committee did not choose to use different wording on the bill."

This bill is, in fact, the way that it is worded, it is another penalty against marriage. The bill gives rights to people who are not married, that married people do not have with regard to choice of health insurance. To me, this is not a pro or anti domestic partnership bill. This is, in fact, a penalty against marriage, much like the marriage penalty act that we have on the books in the State of Maine, yet one more reason to discourage marriage, yet one more penalty for those whose religious faiths decide to embark on that lifelong commitment.

I urge you to support the Indefinite Postponement motion and be aware that, in fact, the information we received regarding this bill's position by the Roman Catholic Diocese was misrepresented. Thank you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I want to clear this up regarding the Catholic Diocese. They testified at the public hearing neither for nor against this bill. In a discussion following the public hearing with the insurers, the Maine Chamber and Business Alliance with the Catholic Diocese and other interested parties, a concession was made at the demands of the Catholic Church that this bill be allowed to apply not just to couples, but to any cohabitating pair. That was a concession made to the Catholic Diocese. They said, at that point, we are comfortable with the bill. We do not support the bill and we do not oppose the bill. We are comfortable.

This bill has nothing to do with any penalty to marriage or to married couples. All it says is that employers and individuals wishing to purchase health insurance that provides coverage for domestic partners may do so. They can go out in the market and find the policy. Currently, the situation is only large employers can do it. Only employers who employ more than 50 people can find these policies readily in the State of Maine. All this bill says to small employers is if you want to buy this, here it is. It is available to you now. The reason we should support this is because we all know that an employee benefit plan is an important part of being a successful business. It is an important part of attracting qualified capable employees working for you. Small business people want to use this as a tool to attract good employees. It is their option. There is no obligation for them to take up this policy. Thank you very much, Mr. Speaker.

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

Representative DUPREY: Mr. Speaker, Men and Women of the House. I will be brief on this. When I tried to put a joint order in having to do with domestic partner health benefits for state employees, we were told it was interfering with collective bargaining. I say this interferes with collective bargaining between employers and insurance companies. We don't want to interfere with collective bargaining, do we? Yes, this bill does destroy the sanctity of marriage. It puts a slap in the face against the traditional marriage because we are saying it is okay for individuals who are "unmarried living together."

It also holds domestic partners to a higher standard than we hold married couples. Why is that? If you commit adultery under domestic partner, you lose your health care benefits. I heard a

lot of ridicule about an adultery bill we had in front of us here, but we are telling the domestic partners that if you mess around on your domestic partner, you lose your health care benefits. The Legislature is sanctifying that. We are holding couples to a different standard. If you are individuals who are "unmarried living together," no, you can't mess around. If you are married, it is okay,

The SPEAKER: Let the record show that the Representative said "individuals who are unmarried living together." The Representative may proceed.

Representative DUPREY: Mr. Speaker, Men and Women of the House. Let the record state that this member disagrees with First Amendment rights of free speech being infringed upon.

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

An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers

(H.P. 981) (L.D. 1305)

TABLED – May 21, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – PASSAGE TO BE ENACTED.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Allow Telephone Wagering for Horse Racing"

(H.P. 928) (L.D. 1242)

Signed:

Senators:

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon

COTE of Lewiston

ESTES of Kittery

TUTTLE of Sanford

MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-504) on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham

O'BRIEN of Lewiston

HEIDRICH of Oxford

PATRICK of Rumford

DUNCAN of Presque Isle

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races"

(H.P. 220) (L.D. 255)

Signed:

Senators:

BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
ESTES of Kittery
TUTTLE of Sanford
PATRICK of Rumford
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-506)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
O'BRIEN of Lewiston
HEIDRICH of Oxford
DUNCAN of Presque Isle

READ.

On motion of Representative CHIZMAR of Lisbon, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)** on Bill "An Act to Speed Up the Decision Process on Workers' Compensation Claims"

(H.P. 921) (L.D. 1235)

Signed:

Senator:

EDMONDS of Cumberland

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:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

READ.

On motion of Representative MATTHEWS of Winslow, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)** on Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

(H.P. 603) (L.D. 758)

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

RICHARDSON of Brunswick
BRYANT of Dixfield
DORR of Camden
HATCH of Skowhegan
MICHAUD of Fort Kent
THOMAS of Orono

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

Signed:

Senators:

SHOREY of Washington
YOUNGBLOOD of Penobscot

Representatives:

MORRISON of Baileyville
DUPREY of Hampden
CLOUGH of Scarborough
MURPHY of Kennebunk

READ.

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This was a real difficult bill in committee and it is a difficult bill here on the floor. One of the problems is when you go to your individual school districts you find that we have a fairly good percentage of our youngsters who are getting medicated during the day. Some of that is dealing with allergies, but there are some very serious medications being given in our schools. I personally believe that too many are being medicated. I think we pay the consequences for that later.

This bill starts out with the ideal of a physician, a nurse, a nurse assistant and then it works its way down to certified personnel. What happens in too many of our schools is the secretary in the office is the one that that student comes to the office and the medication is given. Some schools are fortunate to have a school nurse on the payroll, but the reality is if you are that fortunate, in many cases that school nurse is stretched pretty thin by visiting maybe four or five schools and the responsibility falls upon the secretary, the non-certified staff members.

Everyone in the committee, both Majority and Minority Reports, recognize the problem that we have. Where we differ is a variety of issues, one being a mandate that with the passage of this bill, you would be placing a mandate on your local school unit. I haven't met anyone in this body, that looking at the tentative Part I and the GPA distribution, that feels that their communities are wallowing in state cash. To the contrary, I am seeing throughout the state that at the local school unit, they are going to the taxpayers for additional local money and in many communities, substantial money. This mandate will be very expensive on the local level.

The other reason the committee separated on Majority and Minority Reports is that looking at nursing issues, our committee

looks at licensing and regulation. The bills that we have seen have dealt with a very clear crisis in this state that we have a shortage of nurses, but the focus of the committee is to deal with licensing and regulation. There are two policy questions that should have been addressed. This issue, which creates an additional position in the Department of Education should have been before the Education Committee, the committee that has jurisdiction because this issue of the certification and the training programs has been before this committee, but this bill came before ours. That decision on adding a new employee on the Department of Education is being recommended to you, not by the Education Committee, but by a committee that deals with licensing and regulation.

The other policy committee that should have been involved in this dealing with health issues and prescription drugs should have been the Health and Institutional Committee, but they have had no input in this particular bill. You have two reports being brought to you, our committee not being the policy jurisdiction committee, either for what is happening in education or what is happening in health and institutional services. The department is lagging on the certification side on the non-certified personnel. I think there is a reason for it. I think the Education Committee can deal with it. One, I think last year too much time on the part of the department went into the fingerprinting issue. I think too much time on the part of the Education Committee has gone into flooding us with paper on the technology issue. It is ironic they are flooding us with paper on an issue that is supposed to reduce paper.

This is a real important issue. As a teacher, it is important. It lays on a stress level to your non-certified personnel that usually isn't part of the job description. I feel very strongly that this policy decision and review belongs to those committees of jurisdiction. My hope would be that rather than passing this mandate and increasing the taxes on the local level, that this bill could be referred back to those two policy committees, the Education Committee through the summer with their once a month meeting can hold the department's feet to the fire and where are you? What are the time limits? How many people are taking the courses? Are the courses available geographically? What are you doing to ease this problem on the local level? Also during those monthly meetings, the Health and Institutional Committee being able to look at that issue of, are we overmedicating our children from kindergarten on and what are the consequences of that overmedication? I would hope that we could move back from this mandate, an issue that we are not really sure with this report, what it is going to do and have the two policy committees really begin to dig into this issue and find out why is the compliance lacking on the Department of Education and get them focused back on this issue and get this issue resolved.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I thank the good Representative from Kennebunk for his remarks. This bill simply clarifies that an unlicensed person, we are talking about school secretaries in this case, receive training in order to dispense medication. I, too, share the concerns of Representative Murphy from Kennebunk that these school secretaries are not properly trained and therefore, many mistakes could occur. Frankly what we are doing now is playing Russian roulette with respect to our children and the dispensing of medication. It is done so because we can't afford enough school nurses in each of our schools. Therefore, we rely upon school secretaries to do something that they are not trained to do. What this bill simply does is clarify the intent of the 119th Legislature, which said that we are going to train these school secretaries to dispense medication.

As I indicated, the medication that they are dispensing in many cases is quite complex. I know it troubles the good Representative from Kennebunk as it troubles me, but to delay in terms of the training that these school secretaries need would be unconscionable because, frankly, we are playing Russian roulette at this point with the dispensing of medication and we should, in fact, do something about it immediately. It is not a big policy question to determine that four hours of training by the Department of Education would be in order in this case. It certainly would be in order. It is necessary and I think as I said with respect to these children who are out there with this medication and having to have it dispensed. These school secretaries essentially take the place of the parents. That is okay if you are one school's secretary dispensing one piece of medication to one child. These school secretaries came in and testified that they are dispensing 60 and 70 pieces of medication a day. All we are asking for is some simple training. That was the intent of the 119th Legislature to provide, not to have the school nurses trained at the Department of Education, but simply to have the school secretaries trained at the Department of Education. It is a four-hour course on the part of the secretaries and is not so burdensome to the school districts when you are considering the health and safety of children. For that reason, I would ask my colleagues in this House to support the Majority Ought to Pass Report. Thank you very much.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. In the 119th Legislature I worked very hard to get this bill passed. Being a nurse in my other life I understand a bit about medication. As part of the procedure last year, I asked the Department of Education for a listing of the types and amounts of medications that are being given in the school system. Fellow members of the House and this chamber, you could curl the straightest hair in this chamber if you could see what is being given to our youth. The amount of psychotic drugs, the amount of Ritalin, the amount of steroids and on and on and on. There are a vast number of children in the school system being medicated and a lot of these medications are being given by non-nursing personnel.

We passed a bill last year that would require that these non-licensed personnel be given a course. I even have a copy here of the proposed rules that came out of that. It has not been done. We are a society that is very fond of lawsuits this past few years. I am afraid that not only could the improper giving of medication cost a child's life, which is the worst thing that could happen, but it could also leave our home areas and districts and schools open to lawsuits by these individuals not receiving the training that they should receive to protect our youth. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. I sponsored this bill this year because I have been in the situation of administering medication to children with absolutely no training. I can tell you that it is terrifying. I know many of the Representatives have heard this bill before and heard this situation before, but I would just like to review what really exists in our schools today. We allow and, in fact, demand, in some cases, that secretaries, ed techs and even clerical assistants administer medication to our children with little or no training. This might have been acceptable in the past, but times have truly changed. The School Health Advisory Committee that the good Representative from York spoke of did a survey of the types of medication they have administered in the Maine School System. There were five pages of drugs ranging anywhere aspirin to Zifromax. In between there were a variety of

drugs for asthma and ADHD, not just Ritalin, but there were four or five different drugs for ADHD. There are some drugs that I know are in the schools, but aren't on the list such as Valium. As you can tell from the range of drugs, it is not an easy task to administer them and to know about them.

Yesterday morning I spoke with Bowdoinham school secretary Jackie Dube. She told me to describe part of her day to you. I have to tell you aside, that it was more like demanding. She said, "Do they know what it is like down here? Do they know what I have to do during the day? You go up and you tell them what it is like." I am going to give you a little scenario of what it is like in her day.

It is recess time and there are five recesses during the day. The phone is ringing. There is a child asking for medication for a headache in the nurse's office, but no nurse. A parent is at her desk asking to pick up another child for a doctor's appointment. The buzzer goes off. It is time for another child to receive medication. That is right, there is a buzzer system because there are so many children that need medication that they have to use a buzzer system to keep track of things. Finally, a child walks in from the playground with a bloody knee. Remember this secretary has no medical training and she is supposed to be the secretary. Our school nurse is at the school at the most two days a week and we have a part-time nurses aid. The burden falls to our secretary and to the ed tech when the secretary is busy.

Last year the Department of Education began the trainer program, which trains school nurses to go back to their schools and the secretaries and ed techs. This program is in the beginning stages and it will help the situation, but at the moment only one person in the Department of Education is in charge of setting up the entire program for the entire state. I think she has done an admirable job for one person in developing the program and the proposed rules, but the program does not go far enough. It is still voluntary for the schools and it only trains those school nurses.

I just want to read you a bit of what they expect the school nurse to go back to her district and do. This is under the proposed rules, Section 1. It is training of unlicensed personnel to give medications in the schools. They are supposed to, the time required includes the presentation of information, practice and demonstration and observation, the time needed and scheduling depend on, the nurse has to know this, the education and the experience of the person being trained, the scope of the medication discussed, the situation and the specific school setting, the training plan as done initially and annually, the personnel who have been trained in the administration of medication for a specific and clearly defined program. It goes on to tell the 13 things of the content of the training program. Just to give you two of them, I don't want to read the whole thing, number four is training in basic anatomy and physiology related directly to the administration of the medication. Number 11 is the knowledge of medication to be given, including interactions with other medications and substances.

Most school nurses have more than one school and some of the schools in this state don't even have school nurses. They rely on someone outside of the school to be there. These school nurses have many assistants to train. This bill, as amended, will give the school secretaries and ed techs direct training. Rather than overtaxing the busy school nurse, the Department of Education will train the employees directly. I believe this was truly the intent of the 119th Legislature. For the sake of all involved, the children and the employees who take the legal and the moral risk of administering these medications, please vote yes and support the amendment to allow the employees what

they need to do their job. That is training. Mr. Speaker, I ask for a roll call when the vote is taken.

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

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

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I feel I would be remiss if I didn't say just a few words about this. The 119th Legislature, the Education Committee, did take up this issue. We spent hours on it. Everything that has been said about the necessity of trained people giving medications in school, we talked about that and we agreed with that.

One thing that was said by the previous speaker that is inaccurate is this is not a voluntary program even as it was passed by the 119th Legislature. In fact, it is in the law that for school approval the people who give medications must be trained. The chairman of Business and Economic Development Committee and I have discussed this bill quite lengthily because when I first saw it I was surprised to see that it had gone to Business and Economic Development and he has reworked some things in there and I don't see anything wrong with it. I think it probably enforces a little stronger what we passed last year, but we did spend hours and hours on this bill last year. It is not a voluntary program as it is in law right now. It is not a voluntary program.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I will be voting for this legislation because I believe that we do have basic commitments to the children of our state, which we cannot ignore. Responsibility for the health of children while they are in our care is one of those responsibilities.

I will repeat what I have been trying to hammer home since we began here in January, ongoing obligations to address basic needs, learning results, teacher shortages, retired teacher insurance and textbooks. We must not allow our attention to be diverted by other glitzy proposals that rob our coffers so that we cannot do what we should be doing regarding these ongoing commitments. Fiscal notes for these basic commitments must be seriously considered. I would urge you to accept the Majority Ought to Pass as Amended Report.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I am thinking of some of the previous things that have been spoken. I would like to say that too many children may be identified as needing medication and we might not like that. However, prescribing medication to children is not up to the schools or the school nurses or the Education Committee, that is up to the parents and doctors. We can't tell parents that their child can't have medication. The schools have been designated to take over that job of administering the medication. School personnel need to be trained to fulfill this risky task. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. To back up what the good Representative from Bowdoinham said a few moments ago. It would be worthwhile for all of you to go visit an elementary school front office. On bad days, bedlam is probably the best description in running papers off, parents running in and out taking kids to one event or

another, students there for discipline problems, telephones ringing, faculty members going home sick and in the process a big box full of medications waiting for kids to come in and take those medications. Untrained personnel, well meaning, sometimes not even a continuity of those people who are dispensing the medications, what we have here is a disaster in the waiting. I would certainly hope that this bill can pass and that we can get a better trained person or people in the schools to do this job. We have a big cloud hanging over us if something disastrous happens in one of our schools. We will be held culpable for it. It is our responsibility to do the right thing here. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. As a member of the Education Committee in the 119th Legislature that considered this for some amount of time, I would like to clarify that there is currently in law a provision that requires training in order to administer medication. I will read it. It is Public Law Chapter 669, "An Act to Require the Training of School Personnel who Administer Medications." It says, "This law requires that any public or approved private school have a written local policy and procedure for administering medication. The school policy must include the requirement that all unlicensed personnel who administer medication receive training before receiving authorization to do so. This requirement will be tied to the school approval process. This provides legal authority for trained non-licensed personnel to dispense medication."

It should be noted that the Maine State Board of Nursing ruled that an RN or LPN may not dispense drugs at any time. Dispensing means the pouring or placing of drugs from stock supplies into bottles or containers, etc., etc. What we are talking about is administering drugs, not dispensing them. It is currently law that they must do so in order to receive school approval. Thank you.

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

ROLL CALL NO. 228

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

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, McGowan, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Baker, Buck, Etnier, Goodwin, Hawes, Koffman, Madore, Marrache, McKenney, Muse K, Paradis, Stedman, Tuttle, Winsor.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-464)** 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**.

Representative **RICHARDSON** of Brunswick **PRESENTED House Amendment "A" (H-541)**, which was **READ** by the Clerk.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I am offering this House Amendment "A," which will clarify that unlicensed persons may administer medication if that person receives training from the Department of Education. We believe that was the intent of the 119th Legislature. Also, this amendment removes language from the bill that erroneously was left into Committee Amendment "A" and that was to delete the reference to jails and dispensing of medications in jails. Thank you.

House Amendment "A" (H-541) was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-464)** and **House Amendment "A" (H-541)** and sent for concurrence.

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 **NORBERT** of Portland pending the motion of Representative **GLYNN** of South Portland to **INDEFINITELY POSTPONE** Bill and accompanying papers. (Roll Call Ordered)

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to clarify this issue for people. There seems to be some misunderstanding about it. This, essentially, is a gay rights bill. It also includes a couple of other special categories that would get benefits if we pass this. If you are a living couple together, unmarried or a domestic partner, you would get the benefits of this bill. If you would like to vote for a gay rights bill, you would vote for this. If you would not like to, you would vote against it. If you would like to see these kinds of benefits extended to other groups and not just a narrow couple of groups, then you will have to wait for another bill coming out of committee later on, which we would debate at that time.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This bill has caused quite a few problems. I have served on the Banking and Insurance Committee for three years and as public policy maker for insurance concerns for all the citizens of the State of Maine is to offer accessibility. This is a mandated offer. That was explained earlier. It simply says for a small business who would like to use insurance as a recruiting and retention tool in a very tight labor market. If they choose to ask the insurance company for that coverage, the insurance company must offer it. It is a business decision. We heard the Republican Floor Leader, Representative Bruno, talk about his

business. He has been offering it. Whether I agree or disagree with Representative Bruno on all issues, I have to tell you he is a good businessman who wants to take care of his workers. It is not our place on Banking and Insurance, and I might submit not our place here, to judge what represents partners or to judge what goes on. Our job is to offer health care, God given rights to health care. This is not a gay rights bill. This is about affording Maine citizens the dignity of health insurance. That is what it is about.

I am the person on the committee in work sessions that asked Mark Muddy if the organization, the Catholic Church, that he represented was agreeable to the amendment. We were told it was the language used in San Francisco and that because the Catholic Church also wanted accessibility for all people, that they would live with this. It was an agreement. I asked that question. As I stand here, I tell you what he answered me in a public hearing. I would ask you to support the businesses who have asked that this be here and that they have asked you to allow them to have one more tool to retain and recruit, in the beginning, and then retain employees. Please continue with your support as you did the other night. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. As this debate, I hope, winds down, there are a couple of things that I would like to bring to the attention of this body this morning. First, I would like to quote from a *New York Times* article of May 15 of this year. "For the first time less than a quarter of the households in the United States are made up of married couples with their children, according to the most recent census data. Demographers express surprise that the number of unmarried couples in the United States nearly doubled in the 1990s to 5.5 million couples from 3.2 million in 1990. Some of these couples have children."

This is what this bill is all about. It is not, as far as the Banking and Insurance Committee is concerned, a bill dealing with one segment of the population that was mentioned a few minutes ago.

The second thing I would like to place on the table before this body today is that 15 or 20 minutes ago I had an opportunity to converse for 5 or 10 minutes with Mark Muddy, who, as most of us know, handles the public relations and legislative relations to the Catholic Diocese of Maine. I think it would be safe to say that he was quite concerned and quite unhappy with some of the remarks that have been made in this debate prior to its being tabled this morning. The Catholic Diocese testified, as you have been told, on more than one occasion, neither for nor against LD 1703. Mr. Muddy did remark as was reported to you a minute ago from the good Representative from the Biddeford Saco area and that was a correct quote and one that I wrote down a few minutes ago. They do not, I repeat, and Mr. Muddy wanted it known to this body that they do not oppose this particular piece of legislation, neither did they support it. The reason goes back to what I quoted from the *New York Times*. The Catholic Diocese and many faith groups in this country are not happy with those statistics, but they are a fact and they do realize that and they are facts that we, ladies and gentlemen, have to live with. I would urge that you vote against the Indefinite Postponement motion so that we may go on and pass LD 1703. Thank you very much for your indulgence.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I am confused about this bill. I wish somebody would clear it up for me. On the one hand, we hear that it isn't telling anybody to do anything, it is just making an offer, could somebody clear that up on either side of the argument? Is this an offer that they can't already avail themselves of? We must be telling somebody to do something here. Please clear it up for me.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, the bill, again, is a mandated offer, which is a funny little quirk in law that requires the insurers to offer this to folks who are willing to pay for it. In essence, it doesn't mandate anybody to do anything other than for them to write a product. It is easy for them to write. In fact, they offer it for their own employees under their self-insurance. They can certainly write it. It is not available now to the small groups, only to the large and we had an 11 to 2 report that came out in response to the overwhelming sentiment in favor of the bill. This is an enactor. I love discourse. I love it when we introduce new ideas and thoughts. I feed off from that. Frankly, there haven't been any new ideas or thoughts here today. It is an 11 to 2 enactor. I would ask folks to defeat the Indefinite Postpone motion and move along. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I support this bill because it makes available health insurance coverage at a more affordable price. I have had numerous e-mails from misinformed citizens on this bill. I need to ask, who made us moral judges? Marriage or no marriage, we are not serving on the Legislature to regulate morality according to this faith tradition or that one. We were here for all people of all religions or of no religions. We need to keep moral judgment out of lawmaking because we come from many different faith traditions and we do not hold to the same moral rules. I strongly believe in the separation of church and state. I also strongly believe that all people should have access to affordable health care. I urge you to vote against the Indefinite Postponement. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Many in our state do not support the lifestyle of cohabitation among unmarried heterosexuals nor do they support the lifestyle of cohabitation of the homosexual community, bisexuals or any other possible arrangement. It is also true that many in our state do believe in the sanctity of marriage. Vows made before God, promises made to God as paramount to the foundation of a society that reflects the image of their creator. Traditional family units, mom, dad, kids and maybe a dog, are the means by which subduing of the earth takes place. Many believe in a perspective based on a humanistic perspective that man alone determines what is right, proper and good without reference to something outside of himself or herself. This is the war of ideas. This is the war of theology, philosophy or however you want to word it. This particular LD 1703 is another battle in that war of ideas. For those of us who believe in the sanctity of marriage as I have described, can't support public policy. It undermines that belief and supports those other areas.

Earlier the body may remember that I had a bill of catastrophic health care that many small business people

wanted. It was one, unlike what we currently have in law, that would be devoid of mandates so it would be affordable for any and all. That is the kind of public policy that those from my perspective can support. That bill, unfortunately, was defeated. I would ask you to support this current motion. Thank you.

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

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. In response to the Representative from Biddeford, she talked about that we should not legislate morality. I do agree with her, to a point. I would like to say that in this bill we are legislating morality. We are legislating morality because domestic partners who are living together without being married, if they were to commit adultery, they will lose their health insurance benefits. We are legislating morality on people. It is not fair that we hold these people to a different standard than we hold married couples who will not lose their health insurance for committing adultery. This is a bad bill. This is not what Maine needs. Maine needs things to reduce the cost of health insurance. This is definitely not one of them. I thank you for listening. You guys have a great day.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Seeing that my other two Representatives from Biddeford have spoken, I would also like to go on record to say that I think this is a good bill. What is immoral to me is hatred. What is immoral to me is to pass judgment on people. What is immoral to me to go against anyone who loves, anyone who shares in joy, it is time to get on with living and loving and that, I find, is morality. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. It has been said that the traditional family is the very backbone of our society. This bill diminishes the very foundation of our society. It is a direct threat to traditional family values and makes a mockery out of the term, benefits of marriage. I agree.

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

ROLL CALL NO. 229

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Buck, Bumps, Bunker, Carr, Chase, Clark, Clough, Crabtree, Cressey, Davis, Desmond, Dugay, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Lovett, MacDougall, Madore, Mendros, Michael, Morrison, Nass, Nutting, O'Brien JA, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM.

NAY - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Canavan, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Young, Mr. Speaker.

ABSENT - Baker, Duncan, Etnier, Goodwin, Hawes, Marrache, Muse K, Stedman, Tuttle, Wheeler GJ, Winsor.

Yes, 49; No, 91; Absent, 11; Excused, 0.

49 having voted in the affirmative and 91 voted in the negative, with 11 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

The Eagle Scouts were escorted to the front of the chamber in recognition of Eagle Scouts Day.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative FISHER of Brewer, the following Joint Order: (H.P. 1356)

ORDERED, the Senate concurring, that Bill, "An Act to Amend Certain Motor Vehicle Laws," H.P. 1223, L.D. 1664, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.
Sent for concurrence.

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

SENATE PAPERS

Bill "An Act to Permit the Salvage of Pulpwood" (EMERGENCY)

(S.P. 628) (L.D. 1811)

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-229)** on Resolve, to Create a Commission to Review the Landlord-tenant Laws in the State

(S.P. 464) (L.D. 1517)

Signed:

Senators:

WOODCOCK of Franklin

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

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

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

Signed:

Representative:

LABRECQUE of Gorham

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-229)**.

READ.

Representative CHIZMAR of Lisbon moved the Majority **Ought to Pass as Amended** Report.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I will only speak very briefly as to why I am on the Ought Not to Pass. As we begin to do our budget deliberations, it is going to have to come to a point where we are going to have to stop spending money. This creates a commission to look into landlord and tenant laws. I don't think it is necessary and it costs money. Thank you.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-229)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-229)** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 573) (L.D. 728) Bill "An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-546)**

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 391) (L.D. 1287) Bill "An Act Concerning the Administration of County Government" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-231)**

(S.P. 581) (L.D. 1759) Bill "An Act To Change the Membership of Certain Boards to Include The Department of Administrative and Financial Services" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-232)**

(S.P. 615) (L.D. 1795) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-233)**

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-548)** on Resolve, Regarding Calculation of Consumer Income in Home-based Care Programs (H.P. 1127) (L.D. 1524)

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco
O'BRIEN of Augusta
NUTTING of Oakland

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

Signed:

Representatives:

FULLER of Manchester
SHIELDS of Auburn

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-548)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-548)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-550)** on Bill "An Act to Improve the Health Care and Forensic Response for Victims of Sexual Assault"

(H.P. 1133) (L.D. 1530)

Signed:

Senators:

RAND of Cumberland
FERGUSON of Oxford
McALEVEY of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-551)** on same Bill.

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

READ.

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. This Majority Report adds a position to the Attorney General's Office to establish one research assistant position for the Sexual Assault Forensic Examiner Program. I support that program, but as we always do as it seems in all the committees up here, on things we think are good, we just go ahead and then fund them and send them down to the Appropriations Committee to pick and choose which ones they are going to fund. I think it is the responsibility of the committee of jurisdiction to do that. This is my attempt at a little fiscal responsibility. As you look at the Minority Report, it will show that it supports the program, but it de-allocates money from another area and puts the money into this position. I think we have to prioritize. The money that I would take from the civil rights teams and put into this, I think this program is a higher priority and I hope you do to. I hope you vote against the pending motion. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. The good Representative from Bridgton, Representative Waterhouse, has indicated that the basic

difference between the two reports is basically the funding source. Both reports are very much in favor of this program. It is a very valuable and important program in our fight against sexual assault and it is something that I would hope that the members of this body would support. I urge you to vote in favor of the Majority Ought to Pass as Amended Report. Thank you.

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

A vote of the House was taken. 78 voted in favor of the same and 27 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-550)** 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-550)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts"

(H.P. 1004) (L.D. 1341)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-552)** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is a bill that I was asked to have put in by several of my constituents. It is dealing with citizen initiatives and vetoes in school districts. I understand that the committee report has all but one member against the bill. It is something I don't intend on belaboring on a lot on the floor of the House, but it is an issue that I think you should all be aware of. That is how the initiative process works with school districts.

Essentially, if you live in a municipal school district or a school district like I do, there is no citizen initiative process unlike the one that applies to both our city council and boards of aldermen. There is no initiative process as it applies to the Legislature. Essentially, the only elected officials in the State of Maine that I am aware of that are not subjected to having citizens have the right to petition them with a binding petition and go out to referendum are school boards and school districts.

Over the years that I have served in elected office, I have watched a number of bills go through the House and the other body dealing with local issues in school districts. I have always been one that has advocated and voted to advocate local control. I think that the locals in the decision making process that affects the local school districts should take place down there. That being said, the way that the process works now is you elect somebody to the school board, in my case, we have a seven member school board, they set the school policy and if you don't like what they do, you vote them out. However, a lot of times nice people that you elect into office don't always do nice things and they disappoint us. You can have an elected official that you vote into office that does vote right, representing your district, but the body as whole goes the wrong way. Under the current process there isn't anything you can do about it.

I am sure you have had your constituents approach you with issues of local concern and ask you to put in a bill to address it and you have the option of either turning them down or putting in a bill, which advocates the local control, but instead of local control, we make the decision up here in Augusta for all the school districts in Maine. I just believe that the decision should be made locally.

One of the issues that my constituents brought to me was the issue about speaking at public meetings. That sounds like a minor thing, but is quite a big deal back in my town. Our school board went through a debate of closing local neighborhood schools for a couple of years. It got to be pretty hot. There were a lot of residents that came down and were not in favor of having their local school closed. They told the school board they thought they were doing the wrong thing. The response by my school board was they changed the format of the school board meetings so that public comment was only allowed instead of every individual agenda item, it was only allowed for five minutes at the beginning of the meetings for items that were on the agenda or for five minutes at the end of the meetings for items off the agenda. They were pretty upset about that. They started going down to the local school board meetings and complaining about the process and saying how unfair it was. The school board became a little bit combative with the public. Recently they are debating a policy now of taking away one of those two comment periods so that items that are not on the agenda, you are no longer able to address to the local elected school board.

My residents asked me to put a bill into the Legislature. I have seen a hundred of these bills of local issues come through here that I have voted against since being the State Representative. I said that I could put in a bill that says that the Legislature sets that you can speak on agenda items at school board meetings as a standard practice for the whole state, but I really believe and I think many of you really believe that the decisions for school districts should take place back in the local community. That should be between the school board and the people that elected them to office. That is why this bill was put into place. This bill has nothing to do with school budgets. In fact, if it is a budget expenditure, it is prohibited from being petitioned. This is only for school policy decisions that don't have fiscal issues attached to them. It also does not allow for either union contracts or any of those contracts to be subjected to referendum. It doesn't allow for decisions about who get

appointed to whichever position, who is the third grade teacher or the sports coach. It doesn't allow for that either. All it allows is straight school policy issues to be able to petitioned.

If I had this bill again and if I run for the Legislature again, I will probably put it in. I think that the issue should more than likely rather than being referred to the Education Committee should have been referred to Legal and Veterans Affairs Committee because they deal with petition items more directly. I would say to all of you that if it makes sense that, in fact, the citizens have a safety valve of being able to petition elected people here in the Legislature as they do now with the citizen initiative process for us and they do for the city councils and boards of aldermen, which has been in place, that same process should be in place for school boards. Thank you very much. Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays.

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

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

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

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

ROLL CALL NO. 230

YEA - Andrews, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Ethier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rosen, Schneider, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Buck, Carr, Collins, Cressey, Davis, Duprey, Glynn, Haskell, Kasprzak, Lovett, MacDougall, McKenney, Mendros, Michael, Morrison, Muse C, Pinkham, Rines, Sherman, Shields, Skoglund, Snowe-Mello, Tobin D, Treadwell.

ABSENT - Baker, Brannigan, Duncan, Goodwin, Marrache, Muse K, Savage, Stedman, Tuttle.

Yes, 117; No, 25; Absent, 9; Excused, 0.

117 having voted in the affirmative and 25 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass** on Bill "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime" (EMERGENCY) (S.P. 174) (L.D. 602)

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
SNOWE-MELLO of Poland
WHEELER of Bridgewater

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

Signed:

Representatives:

QUINT of Portland
PEAVEY of Woolwich
GERZOFISKY of Brunswick
MITCHELL of Vassalboro

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

READ.

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime" (EMERGENCY)

(S.P. 174) (L.D. 602)

Which was **TABLED** by Representative MITCHELL of Vassalboro pending **ACCEPTANCE** of either Report.

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

Representative QUINT of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. Under current statute we fingerprint and take photographs of juveniles and we send them to a databank in both the State of Maine as well as the FBI bank. There was no testimony compelling enough for me to support increasing that databank to include palm prints and footprints. Philosophically those of us on the Minority Report believe that this information, which should be kept confidential because it is juvenile information, there was some issues around the particular confidentiality of that information as well. Based on that, I am moving the Indefinite Postponement of this bill.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I urge you to defeat this motion. This bill comes to us from Criminal Justice with a 9 to 4 Majority Ought to Pass Report. This bill allows the taking of palm prints, footprints and photographs whenever a law enforcement agency is exercising its statutory duty to take the fingerprints of a juvenile charged with the commission of a juvenile crime.

In 1999, the Legislature acted to move the responsibility of the maintenance and dissemination of juvenile criminal history record information from the district court to the State Police. There was an error in the legislation that did not reflect legislative intent. In making this change it appears that the intent of the Legislature was to utilize the same methodology for the maintenance of juvenile records as used for adult records. This is not to say that the juvenile and adult records would be co-mingled. For that, they would be disseminated in the same manner. It just seeks to correct an oversight that is strictly limited to the issue of record maintenance and will in no way or any way cause changes to the manner in which records are disseminated.

If we want our law enforcement organizations to do their job that we ask them to do, we must allow them to do reasonable things in pursuit of our mandate. The majority felt that this was to correct an oversight, an error and is reasonable. I urge you to defeat the pending motion. Thank you.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. I think the distinctive difference here is that this fingerprinting occurs when they are charged, not after they are convicted. In the State of Maine we treat juveniles differently than we do adults. I am troubled by grouping them together and how we handle fingerprints and palm prints and footprints as we adults. Juveniles are not adults and we go to great lengths to protect the confidentiality of their identity, particularly before they are convicted. It is also true that Maine state law does protect the confidentiality of that identification process from the general public.

I am deeply troubled that, in fact, that it did move from the District Court to the State Police, but that is not what is being debated at this point. This information is collected from juveniles when they are charged. I think that that is not a direction that we should be going in.

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

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

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

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

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

Representative MUSE: Mr. Speaker, Men and Women of the House. When somebody is physically arrested they are fingerprinted. They are brought to the police station or the jail and they are fingerprinted. When palm prints are involved, they are referred to as a major case print. It is done for Class A offenses, murder, rape or what have you. I don't understand and I wish somebody could explain the need for major case prints, including footprints, on juveniles. If there was a fiscal note attached to this because they are very difficult prints to acquire and it has been my experience that the majority of them get

kicked back to be redone. It usually takes them about a month for them to get kicked back because they have to be sent to different labs before a technician looks at them and realizes they can't read them and they have come back to be redone again.

I am inquiring, Mr. Speaker, if there is a fiscal note attached to this and what the need is and how often it will be done for juveniles?

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

Representative **POVICH**: Mr. Speaker, Ladies and Gentlemen of the House. We do not have a fiscal note on this because there is none. Photographs or mug shots are generally taken when the individual is booked to aid the identification of offenders. Palm prints are not generally taken at booking. Occasionally they are taken when an offender has been arrested in a case where palm print evidence was present at the crime scene or in cases when the offender has a significant history of property crimes. Footprints are almost never taken at booking. Footprints are, however, the generally accepted means of identification for an individual that doesn't have any fingers.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Just a point of clarification, I am curious if the footprint that will be taken, will it be a footprint of the shoe that the perpetrator was wearing at the time of the alleged crime or will it be a naked footprint and what purpose that serves?

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

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

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. As I understand it, when there has been a violent crime or a sexual offense, there is DNA taken. In this case would there be DNA taken for these individuals that would be committing violent crimes, in particular? If so, why in the world would we need footprints if we have DNA?

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

ROLL CALL NO. 231

YEA - Ash, Bagley, Belanger, Berry DP, Bliss, Bouffard, Bowles, Brooks, Bryant, Buck, Bull, Bumps, Canavan, Carr, Chase, Chizmar, Clough, Collins, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lovett, Lundeen, Madore, Mailhot, Matthews, Mayo, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richardson, Rines, Rosen, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Tracy, Trahan, Twomey, Usher, Volenik, Weston, Young.

NAY - Andrews, Annis, Berry RL, Blanchette, Bruno, Bunker, Chick, Clark, Colwell, Cressey, Desmond, Dunlap, Duprey, Estes, Kane, Labrecque, Lessard, MacDougall, Marley, McDonough, Morrison, Murphy E, O'Brien LL, O'Neil, Povich,

Richard, Schneider, Shields, Snowe-Mello, Tobin J, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Baker, Brannigan, Jones, Marrache, Muse K, Savage, Stanley, Stedman, Tessier, Tuttle, Watson, Mr. Speaker.

Yes, 104; No, 35; Absent, 12; Excused, 0.

104 having voted in the affirmative and 35 voted in the negative, with 12 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Reinstate the Cost-of-living Factor in the School Funding Formula"

(H.P. 1033) (L.D. 1390)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
WESTON of Montville
LEDWIN of Holden
STEDMAN of Hartland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-533)** on same Bill.

Signed:

Representatives:

SKOGLUND of St. George
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I am going to ask you to reject the Majority Ought Not to Pass Report on this bill and go on to the Minority Report, which is Ought to Pass as Amended by Committee Amendment "A." This is my bill that I submitted at the request of my constituents in my district.

At the present time when we figure school funding, we do take into account geographic isolation, decreasing enrollment, English as a second language and income is factored in. Until two years ago, cost of living was part of that picture. I come from an area of the state, which many consider the gold coast. I have to tell you that although I live in the so-called gold coast, I have seniors whose ancestors settled the town in the 1600s who now are being forced to sell their property because they can no

longer afford to pay their taxes. It is a proven fact that in my area and throughout most of the seacoast area in both York County and Cumberland County and up the coast that it costs much more to live. Rents are much more expensive. In the Town of York, the average worker cannot afford to rent, let alone buy a home.

We have to pay our dishwashers more money. We have to pay our teachers more money. We have to pay our nurses more money and on and on and on. What I would just ask you to consider this, that although perhaps we are considered wealthy by evaluation, we are, that for some of the citizens in these areas, it is a great burden. I would ask you to vote the Minority Report, Ought to Pass as Amended and when the vote is taken, I request the yeas and nays.

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

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

The SPEAKER PRO TEM: 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. 232

YEA - Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brooks, Bryant, Bumps, Bunker, Canavan, Carr, Chase, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cressey, Daigle, Desmond, Dugay, Duncan, Dunlap, Duprey, Ethier, Fisher, Foster, Gagne, Gooley, Green, Haskell, Hatch, Heidrich, Jacobs, Jodrey, Kasprzak, Labrecque, Landry, LaVerdiere, Ledwin, Lessard, Lundeen, Madore, Mailhot, Matthews, McGlocklin, McGowan, McKee, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Nutting, O'Brien JA, Paradis, Patrick, Perry, Pineau, Pinkham, Povich, Richard, Rines, Schneider, Sherman, Simpson, Smith, Thomas, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Andrews, Blanchette, Bruno, Buck, Bull, Chick, Clough, Collins, Cummings, Davis, Dorr, Dudley, Duplessie, Estes, Fuller, Gerzofsky, Glynn, Hall, Hawes, Honey, Hutton, Kane, Koffman, Laverriere-Boucher, Lemoine, Lovett, MacDougall, Marley, Mayo, McDonough, McKenney, McLaughlin, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, O'Brien LL, O'Neil, Peavey, Perkins, Quint, Richardson, Rosen, Shields, Skoglund, Snowe-Mello, Sullivan, Tarazewich, Tobin D, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Wheeler GJ.

ABSENT - Baker, Bliss, Brannigan, Goodwin, Jones, Marrache, Muse K, Savage, Stanley, Stedman, Tessier, Tuttle, Mr. Speaker.

Yes, 80; No, 58; Absent, 13; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Establish a Single-payor Health Care System"
(H.P. 964) (L.D. 1277)
(C. "A" H-514)

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

On motion of Representative DAIGLE of Arundel, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-514)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-542)** to **Committee Amendment "A" (H-514)** which was **READ** by the Clerk.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. First, let me begin by apologizing to the people who have worked on this bill, LD 1277, up until now. I know that many of you have been working diligently for a very long time on this policy issue. I have not been a member of your group. I have not signed on as a cosponsor of the bill. I did not get involved in your hearings or your work sessions. I am sure you are rightfully a little concerned that I would be trying to stand up now and suggest how this bill might be improved. The other night after listening to the debate, I was concerned that what we were once again doing was a symbolic gesture trying to pass a single-payor health care system that may never see fruition.

A couple of days ago I began to work on an economic idea, which might possibly raise the kind of revenue that we would need to see something like this actually take place. There is a handout that I prepared that I see has not been distributed here on the floor so let me basically try to summarize what I tried to say in print. You have it, good. Thank you very much.

In continuing along with my analogy, getting engaged, making a marriage, making a commitment and what we did in LD 1277 up until now is something that I don't think quite fulfills the requirement to commit to the people of Maine that they are going to see a single-payor health care system, some tangible system some time in the future. Looking at this funding mechanism that I proposed here. A gross receipts tax overlaid on our current system. Imagine everything we currently tax or not tax and overlaying that up to the 6 percent level, phased in 1 percent per year beginning July 1, 2002. That would work. That would raise the kind of money we would need to fund a single-payor health care system that provides the ring and that sets the date for this commitment that we will be making to our constituents. The phase in is a schedule that will not unduly shock the economy. Is this a complete idea? Is this perfect? Of course not. I will easily admit that I am not smart enough in a couple of days to come up with a plan that is perfect. Half the members of this body are smarter than me and if you include the Clerk and her staff, it is far more than that.

It is the beginning of an idea that could work. For that reason alone, I ask this body to consider attaching this amendment to the bill. I ask you just to imagine this scenario. Imagine that we pass a bill that all by itself if nothing else were to change, would, in fact, result in a single-payor health care system within seven years. The train will have left the station. You can say to your people it is going to be a fact of life at some point. We come back the second year of this session of the Legislature and we do some adjustments as necessary and as the revenues start to flow in we adjust this percentage. Maybe it is not 6 percent, maybe it is 5 or 4 percent, but the fact is we will have begun the process and it will happen. The first thing that will happen is that this bill would go over to the other body as a tangible alternative that would work. I think it will change the nature of the debate about this idea. It is something that has never happened before. We never had something that could happen. It will change the

nature of the public education because the newspapers tomorrow will be telling people not only should you have a single-payor health care system, which, I frankly do believe we should have, but one that would actually tell them how much it is going to cost. People can start to respond to this and see the kind of thing that they want to see happen in their lives or not. We have never gone this far up to this point. My concern is without something like this added to the bill, it will have an end result no different than the 119th and the 118th before and that people will once again say, I want this, but I didn't get this. I didn't get it started in a committed path, meaning it will happen by a day certain. For that reason, I urge you to vote for this amendment and we can really believe that the train will leave the station and we will get to our destination someday. Mr. Speaker, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "A" (H-542) to Committee Amendment "A" (H-514)**.

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

Representative TRACY of Rome moved that **House Amendment "A" (H-542) to Committee Amendment "A" (H-514)** be **INDEFINITELY POSTPONED**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-542) to Committee Amendment "A" (H-514)**.

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 Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. A gross receipts tax and a compensating tax is a very interesting and innovative idea. I would certainly hope that a feasibility study would consider it as a part of the mix of the tax proposals to be looked at. The whole principle of a feasibility study is to analyze all tax proposals and come up with a mix of taxes that causes the least negative impact on both individuals and businesses. I do not feel that we can make a decision at this moment on payment form without that study.

I am also wary of the idea of phasing in taxes by 1 percent each year until 6 percent of GDP is reached in the year 2007. One percent GDP will be inadequate to begin funding. Six percent may be more than we need in 2007. We need to establish a payment system now that is quicker because we may not have the luxury of waiting until 2007 for full implementation. The feasibility study in this bill has been well thought out with input from many, many people.

The amendment, although well meaning, well intentioned, will tie our hands prematurely without extensive further analysis. I urge you to reject it. I would, however, welcome the Representative from Arundel, Representative Daigle's support for this bill and would invite his participation in the development of future single-payor legislation along with legislators, advocacy groups, provider groups and the citizens of Maine. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I am not surprised by the response by the good Representative from Brooklin, Representative Volenik, regarding this amendment on the single-payor system. In fact, I believe that the position of the proponents of universal health care in Maine have been consistent in saying that basically we want to offer the candy in the candy store, but you don't have to pay for it and we are not going to show you how that is going to

come about. If, in fact, this proposal is a legitimate one that deserves the consideration by the other body, the package, I believe, should include a realistic, tangible financial component. I have to say, saying it is going to cost \$6.8 billion, saying we are going to appoint somebody to go up and figure out how we are going to raise that kind of money, in my way, isn't a legitimate public policy debate. If we are going to have a legitimate public policy debate, the other half of an expenditure is a revenue source and you have to say how you are going to raise it. It has to pass the straight-face test, not just to the other body, but I believe to this body. I will support the motion to put a revenue stream associated with this because the proponents of this measure have declined to do so. I don't believe in any way that this state can support a \$6.8 billion infrastructure. I don't want to leave it up to some other group to go and do what the legislators are supposed to do, what I am supposed to do and what you are supposed to do, which is decide what services are going to be funded and decide how it is going to be paid for for the good people of Maine. I am not going to defer my responsibility to some other committee. I urge you to either support this or come up with a realistic funding source and I thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-542) to Committee Amendment "A" (H-514). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 233

YEA - Ash, Bagley, Belanger, Berry RL, Blanchette, Bouffard, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessis, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, MacDougall, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Carr, Chase, Collins, Crabtree, Cressey, Daigle, Davis, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Labrecque, Ledwin, Lovett, Madore, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Rosen, Schneider, Sherman, Shields, Tobin D, Tobin J, Winsor, Young.

ABSENT - Baker, Bliss, Brannigan, Goodwin, Jones, Marrache, Muse K, Savage, Stedman, Tessier, Tuttle, Weston.

Yes, 99; No, 40; Absent, 12; Excused, 0.

99 having voted in the affirmative and 40 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-542) to Committee Amendment "A" (H-514)** was **INDEFINITELY POSTPONED**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-514)**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. The last vote just showed to me that

though this is a good idea, we are unwilling to pay for it. I would urge you to vote against the pending motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-514). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 234

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

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

ABSENT - Baker, Bliss, Brannigan, Dunlap, Goodwin, Marrache, Muse K, Savage, Stedman, Tessier, Tuttle.

Yes, 79; No, 61; Absent, 11; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative, with 11 being absent, and accordingly **Committee Amendment "A" (H-514) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-514)** and sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT – Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-335)** – Minority (6) **Ought Not to Pass** – Committee on **JUDICIARY** on Bill "An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act"

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

TABLED – May 8, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. My good friend Representative Waterhouse desperately wanted to debate this bill, however, I don't see him here. I will take the lead. We have a concern about this bill, particularly the powers that are given to the

Attorney General, particularly under the Unfair Trade Practices Act. Currently, as it stands, the Attorney General has the ability to go in and investigate someone if they so choose. However, the court system is set up that if the Attorney General needs to acquire certain documents that they can go to petition the court for those records. This bill would flop it over and allow them to go ahead and do that without the courts procedure. We think that is a very dangerous precedent and are very concerned particularly when it comes to trade secrets and doing business in the State of Maine. For that reason, we are on the Ought Not to Pass side and we would urge you to defeat the pending motion. I would request a roll call.

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

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

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. This bill is a bill, which basically makes a change to the current law. Currently, as was explained, the Attorney General has the authority when there is suspicion that someone is engaging in unfair trade practices to go and review those practices to determine if, in fact, they are in violation of the Unfair Trade Practices Act. There was a provision in the current law that basically said that companies could, if they wished, say that certain pieces of information were trade secrets. As trade secrets, the Attorney General's Office could not have access to that information.

What has been happening over the past few years is that the number of businesses that have been claiming that they are engaged in trade secrets has increased to the point where almost everything that a company does is now a trade secret and, therefore, the Attorney General's Office cannot have access to that information. What this bill would basically do is to say that even if it is a trade secret, they have access to that information, but they cannot disseminate that information. They cannot make it public. They have to keep it confidential. If in the process of doing that, they find criminal conduct other than what they are looking for, that criminal conduct cannot be prosecuted as a result of that information. Basically this is a minor change, in my opinion, to an existing law. It would allow them access to trade practices, trade secrets, but would require that the information be kept confidential. I think it is a good bill and I would urge everyone to vote for the Majority Ought to Pass as Amended Report.

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

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

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

Representative **BROOKS**: Mr. Speaker, Men and Women of the House. To anyone, is there a fiscal note on the Majority Report?

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. No.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. "Government is not reason. It is not eloquence. It is a force like fire, a dangerous servant and a terrible master." That was George Washington. Make no mistake about it, this is not a small change.

I have always stood in support of law enforcement. I have a seven-year record on the Criminal Justice Committee and other endeavors of supporting and strengthening law enforcement's abilities. This bill drastically and dramatically alters the basic balance, which was struck in the enactment of the Unfair Trade Practices Act because there is no general right to investigate without litigation in present law.

The Maine Legislature extended the powers of the Attorney General's Office at the time the Unfair Trade Practices Act came into existence. At the same time, the Legislature recognized that such extraordinary powers had to be counter balanced with protections for trade information, curbing general fishing expeditions in protecting against self-incrimination.

The Unfair Trade Practices Act gives very broad powers of investigation into the Attorney General's Office. It also put limitations on the Attorney General dealing with trade secret information. Documents produced pursuant to subpoena are not allowed to be disclosed without court order. This bill, the change would give broad based investigation without having to seek court approval. It puts the burden on the businesses. This bill undermines the most fundamental right and freedom so basic to our principles of justice and law, to be free from government intrusion, except by due process of the law. We all support law enforcement, but there is a protective line between us and a government agency that seeks extraordinary powers, that is due process in the courts. The fact that government agencies have to go to court to get a court order to infringe on our freedoms, at the same time giving them power to investigate wrongdoing is a basic protection we should be very, very suspicious about giving up and concerned about giving up.

This bill really concerns me and it should concern you. I hope you will support the Minority Report of Ought Not to Pass and vote against this pending motion.

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

Representative **LAVERDIERE**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to make one minor correction. Current law, Title 5, Section 211, currently states that the Attorney General's Office has the right to get information without a subpoena right now. There is no change in that. The only change is that the trade secrets exemption would be lifted on the condition that the Attorney General's Office maintained that information confidentially. The only change is that trade secrets could be obtained, but would have to be kept confidential. That is the only change from the current law. Current law already allows information to be obtained without a subpoena.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just one short point, you heard me say earlier in my testimony that the present Unfair Trade Practices Act gives the Attorney General very broad powers, powers I think we all should be concerned with, even in the present law. Having said that and listened to what the good Representative, the chair of the committee, this still extends those powers. I am not convinced that we want to do that. I

don't see a problem and I don't see a need for doing this to extending those powers. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have so much to say on every other bill, at least this was before my committee. I would urge you to reject the pending motion. I believe we have an anti-business climate in the state. I believe some are proud of that anti-business climate. This tells, in my opinion, businesses that we don't trust you and we don't trust you to the point where we are going to change the rules. Under current law, the Attorney General's Office can get a subpoena and get a court order and look into these documents. What we are doing is getting rid of that subpoena, getting rid of that protection for the business, to object to it. These are trade secrets. Trade secrets are important to all businesses. Maine businesses compete with out-of-state businesses. They like to have their trade secrets.

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

ROLL CALL NO. 235

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

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

ABSENT - Baker, Bliss, Bouffard, Brannigan, Desmond, Dugay, Fisher, Ledwin, Marrache, Muse K, Perry, Richard, Stedman, Tessier, Tuttle, Weston.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-335) 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-335)** and sent for concurrence.

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

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

Reference was made to Bill "An Act to Legalize Hemp for Agricultural Purposes"

(H.P. 882) (L.D. 1174)

In reference to the action of the House on May 16, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative BULL of Freeport
Representative HAWES of Standish
Representative CHICK of Lebanon

UNFINISHED BUSINESS

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

An Act to Repeal Certain Boards and Commissions

(H.P. 1349) (L.D. 1806)

TABLED – May 21, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"

(H.P. 1353) (L.D. 1810)

PASSED TO BE ENGROSSED in the House on May 17, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-219)** in **NON-CONCURRENCE.**

On motion of Representative McKEE of Wayne, the House voted to **RECEDE.**

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and sent for concurrence.

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

UNFINISHED BUSINESS

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

SENATE REPORT – Ought to Pass as Amended by Committee Amendment "A" (S-144) – Committee on

TRANSPORTATION on Bill "An Act Regarding Uninsured Drivers"

(S.P. 425) (L.D. 1380)

TABLED – May 8, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **ACCEPTANCE OF COMMITTEE REPORT.**

Representative KASPRZAK of Newport **REQUESTED** a roll call on **ACCEPTANCE** of the Committee Report.

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

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

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

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

Representative **TWOMEY:** Mr. Speaker, Ladies and Gentlemen of the House. To anyone who wishes to answer it, is it true that if I were late paying my car insurance, one day I would have a \$500 fine?

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

Representative **WHEELER:** Mr. Speaker, Ladies and Gentlemen of the House. To answer the good Representative's question, no, you would not.

Representative O'NEIL of Saco moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

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

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

Representative **O'NEIL:** Mr. Speaker, Ladies and Gentlemen of the House. You might say, Holy Toledo! O'Neil is rising against a 13 to 0 report. It is kind of odd, out of character for me. As you know, Mr. Speaker, I advocated in the Rules Committee that if a report comes out with any fewer than two votes, it ought to go right to the dead files and shouldn't get any debate. Why am I up on a 13 to 0 report?

I think that the process allows for us to back up a bill whenever we think we have new information to add that would be pertinent and enlightening. What I have to add, I think, is pertinent and enlightening. I will submit to you, Mr. Speaker, that this is not a 13 to 0 report. It is actually a 13 to 13 report. It is as evenly divided as it can get. The reason being is this bill and what it attempts to do is a perennial bill in one form or another and it is one that the Banking and Insurance Committee heard twice this year and each time voted 13 to 0 Ought Not to Pass. I bring it before my friends here to help us decide the issue.

We first have to acknowledge that when somebody drives uninsured in Maine, it is a bad thing. It is exacerbated when they harm somebody else. Every time we get one of these bills somebody comes in and they call their legislator and they may have been hit. In this case, according to my notes, there was a gentleman named Scott Herzy who came in and testified in favor of the bill because he was hit by an uninsured motorist. He and his wife were injured. They weren't made whole. They got paid for the car, but it didn't even equal to what they owed for it, which is common, whether they had to pay for it or not. That is called depreciation. What happened is somebody hit this person. The person who did the hitting had bought an insurance policy and then cancelled it. They got the little insurance card. That is a

terrible thing. I will submit to you, ladies and gentlemen of the House, that to solve a problem like that with this bill is like shooting a cockroach with an elephant bill. It might take out the whole vanity.

Let me just go through what LD 1380 does. It imposes a \$500 fine above any violation fine. There would be a fine for the speeding or the driving to endanger and in addition it would impose a \$500 fine for somebody who is driving without insurance. It imposes a \$1,000 fine above that if an OUI is part of the deal. It imposes a \$1,000 fine above any violation fine or penalty if there is an accident involved. It may not sound like much, but you get a look at the fiscal note and you start to realize that it looks an awful lot like a dragnet. Frankly, given the scope of the problem in Maine, you can liken it to a drive by shooting. Sure that sidewalk full of crowded people that you are going to shoot up might contain Al Capone, but Mother Theresa might be right next to him. It is just not fair.

LD 1380 further does this, it adds 12 positions at the Bureau of Motor Vehicles to handle the paperwork. It requires the Secretary of State to suspend a driver's license of somebody who is in an accident if the insurance is lapsed or cancelled or has been terminated. It requires the Secretary of State further to keep the license until restitution for damages are paid. That is kind of important. Remember that. It requires insurers to immediately notify the Secretary of State when the insurance lapses, is cancelled or terminated. Follow this, the policy lapses when the bill is paid more than 10 days late. I submit to you, Mr. Speaker, that just about everybody in here has probably had that little notice come that says your insurance will lapse in 10 days if you don't pay us. It further requires the Secretary of State to suspend the registration of the vehicle. The person driving the vehicle may not even own that vehicle, but it requires the Secretary of State to suspend the registration of the vehicle and the plates within 30 days of the notice. It is pretty heavy hits. Granted when uninsured motorists whack people, that is a pretty heavy hit too, but you have to look at the history, men and women of the House, and consider that 13 people on Banking and Insurance have historically done it this way, as have the very good Committee on Transportation.

In the 120th, as I mentioned, LD 91 and LD 208, unanimous Ought Not to Pass. In the 119th Legislature, LD 140 and LD 229, unanimous Ought Not to Pass. In the 118th Legislature, LD 112, 622, 836 and 1690, all of them unanimous Ought Not to Pass. They are all looking to do pretty much the same thing, but none of them with such draconian penalties.

I will finish up by just telling folks what the current law does. This is the Automobile Cancellation and Control Act, Mr. Speaker, that gives the insured the right to a hearing before the Bureau of Insurance if a policy is cancelled. Pending the outcome of that hearing, the policy remains in force. That throws a wrench into this bill. With LD 1380, the termination notice could be sent by the insurer to the Secretary of State, which sets the wheels in motion for the suspension of registration and so forth and in the meantime the check could be in the mail within the 10 days and it could have crossed and the insured could be scheduling a hearing with the Bureau of Insurance. If my premium is due on the 15th, Mr. Speaker, the insurance company will send me a notice on about the 16th and they will allow two days for mail and say that on the 28th your policy will be cancelled. In that time, the Secretary of State will have this flood of notices from the insurers, thousands per month, and they will need 12 people to handle just that paperwork. Do we want to dragnet fishing out people who are a little bit dilatory?

This issue has been studied in 1984, 1989 and 1995, the issue of compulsory reporting systems, all of them have brought up the issue and have rejected them. There has been some

good come. We have better uninsured motorists levels. There is a decrease in the percentage of motorists operating uninsured. For instance, in 1989, you will see a chart that has been distributed, 14 percent of Mainers drove uninsured. In 1995, that dropped to 7 percent and as of this date, it is about 4 percent of people uninsured. I submit to you, Mr. Speaker, that that 4 percent are the same characters that we read about in the public safety beat every week that are operating after suspension, driving to endanger, DUI, habitual offenders, those people are never going to obey the law. We have cut it down to 4 percent and that is just about the best in the country. We have a problem that is the envy of 49 states. Maine also ranks 50th in average premium paid. That is not too bad.

The possible solutions are compulsory reporting, what this does, window decals that expire, monthly insurance cards that would have to be mailed by the insurers and electronic verification. In December 2002, the Secretary of State will be up and running, ready with their computer system to interface with the 300 plus insurers who write insurance in Maine. Not all the carriers will be ready. Maybe not all will participate, but they will be close to having compliance in a system that will allow a trooper on the road to call in and say, does Joe Smith have insurance coverage and they will get instant verification, not too much unlike the way our credit cards get verified when we go shopping at Ames.

It is still not going to be foolproof. It is still going to be that check crossing in the mail. With LD 1380, Mr. Speaker, I will just make my point, then I will sit. A law can go wrong. The insured switches carriers. The notice is sent to the Secretary of State, registration suspended and in the meantime the insurer has insurance with a different carrier. The license is suspended until restitution is made until after the accident. What if restitution can't be made? The registration is suspended and the plates are suspended when a policy is cancelled, lapsed or terminated. Throw in the driver's license if there was an accident. Throw in the restitution for a nice trifecta. The Banking and Insurance Committee, with all due respect to the Transportation Committee, did not think this was sound policy. The majority of those insureds pay the premiums monthly, especially those of lower means. It is about cash flow for them. Sometimes they are a little bit late, but they get it in within the 10-day period.

Real quickly, one illustration and then I will finish. This is what can happen. Fred forgets to send in his insurance premium. Technically he is driving uninsured while the premium clears. Fred is then hit by a driver who is going 30 miles over the speed limit. He wasn't watching the road and ran a red light. He hits Fred. Fred is the one who didn't send in the premium. He didn't do anything wrong on the road. Technically Fred is at fault here under LD 1380. He is the uninsured individual. He got hurt, broke his neck, but under LD 1380, he will be assessed a \$1,000 fine and he has to pay restitution to the negligent driver who was going 30 miles over the speed limit and ran the red light. I can't see us doing that, Mr. Speaker. That is why I reluctantly got up to argue against this bill. Again, consider it a 13 to 13 report. Consider the good work of both committees and decide yourself, Mr. Speaker.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. It is kind of sad that we have to stand here and debate a 13 to 0 report with the business that we have in front of us. It looks like if we are going to do this, we are going to be here for a long, long time.

First off, let's go back to what the good Representative from Saco, Representative O'Neil, was talking about with good old Fred driving down the road. He got in an accident and he paid

his premium late. Fred would have 48 hours to show his insurance, number one, and then he would still have 30 days to rectify the problem with the Secretary of State's Office. I ask you, what is the problem with this?

The good Representative also stated that this is a 13 to 13 report. That is not true. That is false. This is 13 to 0 report heard by the Committee on Transportation. I didn't see anybody from the Committee on Banking and Insurance at our public hearing or at any of our dozen work sessions that we had on this bill. We just didn't whip this up here as quick as we could so that we could meet deadlines. In fact, we held onto it and held onto it so we could work all of the angles. The problem the committee had with this report was that all these studies that you get thrown in front of you in committee, especially the ones with how Maine is so great. It has a 4 percent tolerance of uninsured motor vehicles. I asked the question and they were all done by insurance companies. Nothing like letting the fox guard the chicken coup, is there folks? There was not one independent study done. If there had been and the numbers came out the same, I probably could have believed it. We know how polls go, especially during election time. They don't mean a thing. You know what means something to me, those phone calls and those door-to-door talks with constituents, like every one of us have, not the talks in the halls to the lobbyists, especially the insurance company lobbyists, not the independent agents who are in favor of this, I might add, but it my constituents that I listen to. Those are the ones paying the higher premiums because on an average 250,000 Mainers are uninsured in the State of Maine during the course of the year. You didn't hear that in MBA. That is a fact.

This creates \$1.6 million in revenues to the Highway Fund. That goes to show you that there is a problem with the system. The Secretary of State's Office does not have any problem at all with this bill. I wish a representative of theirs could get up and speak right now, but, of course, they can't so I am speaking for them. I went and I checked, as well as other members, with the Secretary of State's Office and made sure that this wouldn't be a problem handling this. In fact, they told us that within two years, like the good Representative told us, the electronic system will be up and running. This will give them two years to work the system out with paper, which they would rather do to make sure it is a full system. It does not create 12 positions, because that would have been in our budget, the Highway Fund Budget, and there is not any new positions created in our budget as of right now from the Secretary of State's Office to do with this bill.

I am getting really confused about where this information is coming from. We are still working the budget and this still, to this day, has no new positions due to this bill.

Again, I might add that I hope you will follow the 13 and O committee report and not listen to the lobbyists that have been lobbying like a son of a gun up here on this bill. They were the insurance lobbyists. Listen to your constituents. Let's let them have a little say in Augusta for a change. They are the ones that are paying the premiums for those who are not. This bill does not affect anybody who does what the law states. All we are trying to do, as we have done for the last five years I have been on Transportation, is to go after the guy that gets his insurance card, runs in, registers his vehicle and runs outside and calls him up and says he is cancelling his insurance and drives around uninsured and then causes an accident and your constituents and you and I pay the high premiums and they have to pay the price like the individual who was from South Berwick that was in front of our committee did and even a loss of life, which is very unfortunate.

I don't mean to be so passionate to this, but when you work on something really hard in your committee and you work all the

details out and then to come up on the floor of the House and to be questioned by individuals that weren't even in your committee, it does agitate. I ask all of you, and I ask you sincerely, if anything, please support the committee's report and vote against the Indefinite Postponement. A vote with the committee is a vote for your constituents. A vote for the Indefinite Postponement is a vote for the big lobbyist insurance companies so they can continue to build their skyscrapers in every city that you go through.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I don't rise very easily on this bill. As has been pointed out several times, it is a unanimous report. As I was reading the Committee Amendment, I thought there was nothing in here really that I can't live with until I got to Section 6A on the top of the second page of the Committee Amendment, which provides for a suspension until the uninsured person has paid for the damage caused to the other motor vehicle or person. It sounds good in principle until you stop and think about the fact that the person who has been injured or hit by the uninsured person now has control over the length of the license suspension. In our state we have a lot of things we give suspensions for, but in every single one of those circumstances, it is this Legislature or some act of law that determines how long the suspension will be. In this instance, the person who has been hit can determine that by protracting the litigation, by refusing to settle. This is the problem that I have with the bill.

As to the previous speaker's statements to the effect that the insurance lobby is playing a role in anything having to do with the bill or anyone's testimony having to do with it, just read the stuff on your desk lately and see if I am any friend to them lately. I am not doing this for the insurance lobby. I am doing this because that is a bad part of the bill. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This is probably one of the most difficult things to do, to stand up against two of my very best friends that are on Transportation. We have discussed this bill. However, I had to rise when the Representative from Eliot, Representative Wheeler, took exception to what the committee has done. I have never questioned the work of my good friends on Transportation. Their information and where they come from it, their perspective, is different than mine after three years on Banking and Insurance.

I need to tell you that we have also done our homework and we have had this bill in many forms. The only difference being the Secretary of State rather than the Bureau of Insurance. There are lots of other laws, just like anything else, once you change one little thing, you kick in and it is a snowball effect. There are laws within the insurance, but I find it interesting that we have spent a lot of time talking about unnecessary paperwork for mandatory overtime and I need to tell you there is an awful lot of paperwork here with plenty of time for human error.

I need to tell you that most people, many people, pay their car insurance six months at a time. My car happens to need to be registered in August. I pay my insurance in November and May. I show my proof of insurance. I don't even need to run out and cancel it. I could let it lapse. We also have a law in the State of Maine that you must carry uninsured vehicle insurance so that if you hit someone, that is what is missing. What do you do with the people from out-of-state? We can't control that and down where I live we have an awful lot of license plates that aren't registered in Maine.

I with great fear stood up to talk about this bill. I was hoping that I wouldn't have to. I really believe that this needs to either be Indefinitely Postponed or it needs to go back to committee where two people, two committees, can listen to it. We both have pieces of information.

It reminds me of a story about five blind people trying to describe an elephant, do I dare say that here? Each of the blind people reached out and described what they felt. None of them were right until they had the whole piece together. That is true here. Transportation didn't do a bad job. Banking and Insurance hasn't done a bad job. We had two different perspectives and it is our responsibility to hear them out and then decide. I would ask you in light of all the things that you have heard from Representative O'Neil from Saco and what we have heard from Representative Wheeler that there are too many problems with this bill to enact it into law. Thank you Mr. Speaker.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Having worked for the insurance industry for 29 years and having a multi-line license for that amount of time, let me tell you a little something about property and casualty insurance, namely automobile insurance. Unlike life insurances and health insurances, there is no grace period to your property and casualty auto insurance. The day that your insurance is due is the day that it is due. You don't have 30 days grace to say that you have 30 days to pay it. It is due on the date. The insurance company sends you a notice 30 days ahead of time so that you will pay it on time. There are no grace periods. In other words, once the day after your premium is due has gone by, your insurance is lapsed. The casualty insurance companies, what their problem is, to me, is they haven't trained their agents efficiently enough to instruct you, the constituent who buys that insurance policy, that there is no grace period in property and casualty insurance. That is where the insurance industry is failing. Their agents are supposedly supposed to be trained to be advise you of that note.

The insurance industry will bend over backwards to make sure that you pay your premium, even if you are delinquent for a period of 10 days. This is why the Transportation Committee allowed a 30-day period for the insurance industry to be reporting your policies lapsed.

I submit to you that when I was working for the insurance company every Monday morning when I went in to work, I had a list of people whose insurance policies were delinquent or lapsed, so to speak. They were not any longer in a grace period or what have you. They were overdue and it was supposedly my job to pick up the phone and telephone these people and advise them of such. If the insurance industry would do their work properly and instruct their agents to do this, then we wouldn't be here discussing this because we did give the insurance industry 30 days before they wind up being in trouble and at the same time, the insurers being in trouble.

We passed a law here many years ago that everybody in the State of Maine who is driving is supposed to have insurance. That is the law. There are plenty of people though that seem to want to bend the law a little bit. What they do is they go in, get their insurance coverage, get their cars registered and after their car is registered for the full year, they turn around and call that insurance company in order to save them \$400 or \$500 a year, they say they are canceling their insurance and they drive the rest of the time without insurance. Those are the people that are breaking the law and we are the ones who are paying for it.

Don't fall for this act of the insurance industry that says that it is costing them volumes of money in order for them to process

paperwork. That is what they have agents for. All they do is send out a whole bunch of notices to the agents. Here are people that are delinquent, do your job. That is exactly the way that it should be. If everybody was doing their job in the State of Maine, we wouldn't have this problem of uninsured motorists because the agent who is going to collect a commission on that premium that is being paid would be glad to get that commission and he would advise people there is no grace period on your auto insurance. Pay it or you are going to have to wind up being notified that you are uninsured and that you will have to have your registration suspended by the Secretary of State.

We also have rules that I have to abide with that every two years in order to maintain my licenses, I had to take continuing education courses. I submit to you that maybe it is time for us to tell the insurance industry that in your continuing education courses, instruct your agents the proper way to handle their insureds. They are the ones receiving commissions on this. Why shouldn't they do that little extra work every Monday morning when they find somebody is delinquent, call them and say, what happened to your check? It is not in the mail. As far as a client going from one company to the next, again, it is right on the application. If you are replacing this policy from another company, you should state so in the new application and then you are not winding up lapsing, you are replacing one policy from one company with a policy from another company. There is no lapse involved there. Nothing will be reported to the Secretary of State.

Agents in order to be able to get a commission often time forget to put down that I did replace the policy from whatever company, XYZ Company. Believe me, this report here, the 13 to 0 report, to me, this is not an insurance bill. This is a right to drive safely on our roads bill. The people who don't have insurance on their cars should not be allowed to drive in this state and cause accidents where innocent people are hurt in Maine, sometimes for life. Please defeat this Indefinite Postponement and let's move the bill that was a 13 to 0 Transportation report to take care of these people who are thumbing their nose at Maine's law of uninsured motorists. Thank you.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. We seem to have some conflicting information here. We even have dueling committees, which is unusual. We have made some good progress in this state regarding uninsured motorists, but it is not good enough. We have to go further. If you would believe the orange report that came around and suggests that Maine has 4 percent of our cars on the road are uninsured. That information is a little dated. Let's say we accept that. That is 95,000 people driving uninsured vehicles. The Secretary of State's Office says it is 6 percent and their number is 132,000. In the spirit of compromise, let's call it 5 percent. That means that out of every 100 cars you drive by, five of those people are uninsured. I don't think that is acceptable.

Our Transportation Committee has done something that others couldn't do. We have reported out a unanimous report that will come as close as possible to getting uninsured motorists off our roads. Insurance lobbyists for the industry have testified that it is in everyone's best interest to get uninsured motorists off the road, but then they go on to tell us all the ways that it can't be done. They don't have a positive step to offer. The Secretary of State is now set up to do this job and they can do it with ease. The insurance company continues to offer an obsolete six-year-old study as proof that it can't be done. This study becomes harder and harder to defend with our new computer system. I

urge you to vote against this Indefinite Postponement and let's get uninsured motorists off the road once and for all.

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

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. Let's back up a little bit here. We represent the people of Maine and their best interests. You have approximately 95,000 drivers operating vehicles on the highway that are uninsured. God forbid if one of them should smack into you, you could be maimed, financially in ruin because of hospital bills and expenses that the uninsured motorists probably won't kick in. Granted your own insurance may pay part of it, but still there is a financial loss, never mind the injuries, replacement of your motor vehicle depending on the amount of damage. That is what this bill is trying to do. This bill is trying to make sure these uninsured motorists stay off the highways. The fine schedule is set up to really put a scare into them. Unless you pay your premium on time and keep that insurance on your motor vehicle, you are going to get fined. You are going to get hit bad. That is the idea of a fine schedule, to prohibit people from riding around in motor vehicles without insurance.

I personally called three insurance agents in my district, independent insurance agents, they said it is about time. Where have you guys been? We wanted this addressed years ago. They say this bill doesn't go far enough. When a person is apprehended for not having liability insurance in their motor vehicles, whether through a routine stop, accident or whatever, when they notify the Secretary of State, my insurance agents say they should accompany that certificate with a receipt stating that insurance has been paid for a full year in advance, then we know that motorist is driving around with automobile insurance or liability insurance at least for another year.

We all have heard the horror stories. I have heard the horror stories and I am sure you all have. Somebody was run into by an uninsured motorist and they had no recourse. I have been a member of the Transportation Committee for three years running. It is a great committee and I love it. For three years now I have had different colleagues bring forth constituents giving public testimony where they have been run into by an uninsured motorist. The stories you hear are mind-boggling. This same type of legislation comes back to the Maine Legislature year after year after year. Why does it keep coming back? We have a problem out there. We have to correct it.

This bill LD 1380 will correct it. It will put the necessary wheels into action to prohibit people from running around in their automobiles without liability insurance. After all, we represent the people of Maine. We have to look out for their best interests. Thank you for your time.

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

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. This LD number actually is not mine. However, components of it are in the amendment. I submitted a bill and Senator Cathcart had submitted a bill this particular session. Two years ago I submitted a bill, both times from different constituents dealing with this issue. I appreciate the Transportation Committee working with this issue diligently and being able to come up with a unanimous report. My constituent this year had come up and testified in front of the committee. What I want us to not lose sight of is we are not dealing with the abstract here. We are dealing with Maine citizens, our own constituents that get harmed.

I am going to read a few excerpts from his testimony because I think it is very compelling for you to remember before you push your buttons this afternoon. He said, "I had my head slammed against the roof of my car. My neck and my back were injured

and the airbag had gone off striking me in the chest causing me severe pain. My wife received similar injuries along with having her sternum pushed in due to the seatbelt pushing on her as the car was tossed about." It goes on to say, "If it wasn't bad enough, we were informed by the police officer that the driver of the other vehicle had no insurance and was intoxicated. Not only did our car get destroyed, but now we were faced with medical bills and would be stuck with the bill. I don't know about you people, but I am one of those people that live paycheck to paycheck most of the time." This is a law-abiding citizen, ladies and gentlemen, trying to eke out a living in the great State of Maine. He goes on, "We had no money set aside for purchasing a new vehicle. The only saving grace for us was the fact that I had automobile insurance of my own and they would take care of the medical bills, but we still had to find a way to get another car. After several weeks of waiting the insurance company paid us for the loss of our car. Of course, not near enough to purchase something close to what we had to begin with and definitely not close to what we thought we should get. We also dipped into what little 401K savings we had. We were then able to come up with enough to buy a used vehicle. Eventually I recovered fully although it took six months of therapy and two to three days a week to return to full strength and my wife is still recovering as her doctor did not want her to have therapy until her sternum had returned to its normal position and had strengthened enough to withstand treatment."

What I have described here from my constituent here is they are almost killed in an accident, suffered very physical harm, mental anguish and financial harm and they were the law-abiding citizens. He concluded in his testimony, ladies and gentlemen, that the victim has to pay out sometimes thousands of dollars and the insurance company has to pay our tens of thousands of dollars while the person who caused the accident in the first place often times get away with basically a slap on the wrist.

The Transportation Committee has done an excellent job and many of the members have been on that committee for several years and have dealt with this issue for many sessions. They have done an excellent job to protect the law-abiding citizens in Maine and I thank them very much and I urge you to support them. Thank you.

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

Representative MAYO: Mr. Speaker, Men and Women of the House. I, too, feel somewhat like the House Chair of Banking and Insurance this afternoon. It is unusual to stand up and oppose a 13 to 0 report of any committee, but I would say particularly the Transportation Committee. However, I have to agree with the good Representative from Saco that it is really a 13 to 13 report because I had the honor or the privilege or the duty to listen to Representative MacDougall's constituent earlier this year. He had a very telling story. I had an opportunity after the public hearing to talk to the gentleman's wife about the experience that they had gone through. I did not vote for the LD that came forward at that time because I did not see it solving the problem. Frankly, while I would wish that LD 1380 would solve the problem that we have in front of us, I don't believe that it will. Using the material that was given to the Transportation Committee by the Chief Deputy Secretary of State, Rebecca Wyke, I would quote in paragraph two of the first page. "Using exact data from 1999, the number of accidents involving uninsured drivers was 4,390. This represents 5.95 percent of the total number of accidents that occurred in the State of Maine in that year.

I must, therefore, correct the material of the good Representative McKenney, Maine does have a 4 percent, but there was also a 5.95 percent, but the two things are not the

same. We do, in Maine, have the lowest number of uninsured motorists. Maine is number 50 in the cost of automobile insurance. Whether they are the big bad companies of this country or whether they are not is immaterial. I have heard 11 bills dealing with this subject since I have been a member of the Banking and Insurance Committee starting in 1995. Every time that we have listened to these bills, we have heard from the insurance company and we have seen evidence from other states that if we are not careful, we are going to increase the cost of auto insurance, if we mess around with issues a great deal.

I am a little concerned when I look at Senate Amendment (S-144), which very specifically indicates that the bill includes highway fund allocations of \$421,000 and \$540,000 in fiscal years 2001, 2002 and 2003 for the Bureau of Motor Vehicles within the Department of the Secretary of State to cover the costs of one hearing examiner position, one clerk typist 4, four clerk typist 3, 4 clerk typist 2 positions and two data entry specialists. I am not a college math major, but I think that those numbers add up to 12 new employees being employed somewhere in state government to handle the paperwork involved with this particular piece of legislation.

One last point, while I don't like the fact that there are in excess of 4,000 uninsured motorists causing accidents in this state any more than the people on the Transportation Committee, I think if we all think about who those people are that one fact should become somewhat clear and that is that those people are not going to be able to pay the \$2 million in fines that are going to be levied against them. I am not sure it is going to get them off the road either. We are at about as low a point on this issue as we can be. We may be able to lower it another percentage, but we are kidding ourselves, ladies and gentlemen, if we think this bill or any other bill will do away with the problem of uninsured motorists in the State of Maine.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Not to prolong the debate, but I just would like to reassure everybody about the information that the good Representative from Bath, Representative Mayo, was referring to, the orange sheet on the very bottom. I usually don't read this, to be honest to you, when we get stuff passed out. The source is the National Association of Independent Insurers and Insurance Services, Automobile Insurers, Bureau of Massachusetts, South Carolina Department of Insurance. They are all insurance people. It is the fox guarding the chicken coup. Just listen to your constituents, folks. That is all I ask.

Also, it has been referred to about a 13 to 13 report. Would the Clerk please read the real report? Thank you.

Representative **WHEELER** of Eliot **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Again, I apologize, but I really do feel justified in showing this even division. A couple of points that need to be clarified. First, in reference to the good Representative from Eliot just now. Those insurance people are the regulators. They are the NAIC, National Association of Insurance Commissioners. They are neutral in this whole debate. Second, there is a bit of inference here and I feel it myself sometimes that we, as legislators, will bow to the pressure of one group or another, whether it is a constituent from the street or an industry group. The bottom line is, let's say this were done in deference to insurance companies. Why would they oppose it? They would love to sell more insurance. They would love to go to their

annual rate filings and ask for increases if they have to pass along those increases and that is all they will do is pass them along. It is no skin off their back. The agents, I find it kind of odd, Mr. Speaker, that we would blame the agents, yet punish the insured. Those agents make a much better commission when they sell a new policy than when they renew one. It is much better. Finally, up to 95,000 or so that are supposedly are uninsured. How many of those folks in that number, do we have to ask ourselves who are the people who just paid it late? An earlier Representative mentioned that the man who testified in behalf of the bill, I read his testimony. It was compelling. He said himself that he lives paycheck to paycheck. He doesn't pay his insurance a year at a time. I can guarantee it.

In the mix of things occasionally a bill goes a little late and, in fact, Mr. Speaker, the insurers give 10-day notification with two days mail time. If my bill is due on the 15th, I better get it in by the 27th or that insurance will lapse. Mr. Speaker, I just ask with the uncertainty, the fear and the doubt as to whether we should smash this little housefly. Can we wait another year and a half for the Secretary of State to get a system that is workable or that we are pretty darn sure will be workable or should we go ahead with this? I ask you to seriously consider Indefinitely Postponing this draconian measure.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First of all, I will be gone from here at some point in the not too distant future and one of the things that I will remember is the activities of today and a couple of days proceeding this. The good chairman of Banking and Insurance and the others who have debated against the 13 to 0 committee report have all come to me and told me they were going to do this. It is that kind of civility that makes this place work. I want to thank them for that and I will remember them for it in their kindness to me.

Secondly, the Secretary of State's Office has said they can handle this now. Several insurers or agents have said that this is a doable thing. My heart wasn't as much into it as some of the others on the committee. As I thought about it one thing that I had to remember was my neighbors who were at jeopardy from those people who are driving without insurance. My friend from Saco made a comment about poor Fred who was driving without insurance and got hit by somebody who ran a stop sign. Fred was on the road illegally. Had he been were he was supposed to be, parked in his driveway until paid his insurance, he wouldn't have gotten hit. Had he been insured, he wouldn't have had to worry. I urge you to keep in mind the 13 to 0 Transportation Committee report. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this debate. I wanted to bring a little reality to it. We heard that 6 percent of drivers in Maine drive uninsured cars. We got the number 132,000 cars. Yet, 132,000 is 11 percent of the population of Maine. Unless every single man, woman and child is driving two cars simultaneously, I don't see how those numbers can add up. We heard that 95,000 people are driving uninsured cars, but that is at any time during the year. That is the person who files a day late. They are considered into that number for the whole year. It is not one in every five people you see. It is one in every five people who may have been late one day over the entire course of the year.

We have this orange sheet and what I find very telling on this orange sheet is that New Hampshire rates at 9 percent, which is at roughly 65 percent of the national average. New Hampshire is

the only state, that I know of, that doesn't require mandatory insurance. Are all these laws working at all or is it education that is working? Another point, when you register your car you get a sticker that has the date when your registration ends and you put that on your license plate. When a police officer drives by, they see that sticker and they assume your car is registered. When you lose your registration, unless there is some magical way to make that sticker fall off, the police officer is still going to assume your car is registered until that police officer pulls you over and then they will realize you are breaking the law. Guess what, you are already breaking the law because you are not insured. We are already going to get the people that are breaking the law. We are not going to get anybody new by doing this. Who are we going to get? We are going to get the honest innocent person who made a mistake and filed in a day or two late. We are going to take away their registration and give huge fines to them. The person who doesn't care, who is finding their way around it, is going to go pay to insure their car, then they are going to register it and then they are going to put that sticker on it and they are going to drive illegally just like they have always been doing. We are not going to get the people we want. We are going to get the people who made the mistake. When we run for office, those people are our constituents that make that mistake or a day late getting their paycheck, I know that my good friend, the Representative from Saco who sits on the other side of the aisle, most Democrats say they are for the poor people who can't afford these expensive costs, whatever they are. These are the people that are going to have the toughest time paying these fines. If we are Republicans, we say there is too much burdensome regulation on the people of Maine. I see this as burdensome regulation on the poorest of people.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I am really going to cast myself back into the stone ages. I am going to go back to the 113th Maine Legislature. I did serve on the Banking and Insurance Committee at that time and compulsory, mandatory insurance bills, many of them came in front of our committee. The good Representative from Rome opposed them, opposed them, opposed them, because of the very essence and because of the constituency back home, the ones who were uninsured, the poor.

Lo and behold, there was a constituent of mine from Belgrade, a very dear friend of mine. She was down to Saco to the play place down there with the water rides. She got hit and had a very serious accident. Lo and behold, she got hit by an uninsured motorist. She called me up and asked the good Representative from Rome if he would submit mandatory, compulsory insurance? I will put it "under request" because I don't believe in it because it hurts the poorest of the poor. Ladies and gentlemen, as sure as I am standing here, that bill that was "by request" went through the House and it went through the Senate and was signed by the Governor. At that time we heard from our insurance lobbyists out there that it was all going to break loose. The sky was going to fall. We were going to be shot up into space because the rates would be so high that nobody would be able to afford it. Lo and behold, they were wrong. There is nothing wrong with what is transpiring here today. I am not going to support the Indefinite Postponement of this bill because I have had constituent after constituent after constituent say to me that if you put in a bill that is supposed to be compulsory, mandatory when you register that vehicle, then why do I still have to have uninsured motorist to protect myself? Yes, ladies and gentlemen, I was the recipient of that right after that bill was signed right out in this parking lot. I got hit by a gentleman from New Jersey, which is a compulsory insurance

state. My insurance had to turn around and sue his insurance. The same thing with my youngest son out in Unity College. He got hit by a professor just a few months back. She knew that she had to have insurance but she was transgressing on the highways and byways of the State of Maine and hit him. The only way we got that money is we had to threaten to sue. I turned her name into the Secretary of State and when she does go for her re-registration that they have something on there that she did hit somebody and she didn't have insurance. I don't see what the big hassle here is, folks. The earth is not going to crumble and the sky is not going to fall. Let's get on with the show.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I hope I am the last one to rise. I know we have had a long afternoon here. I have some personal interest in this bill, obviously, down in the Transportation Committee when I do show up there on occasion, since I have the Labor Committee to compete with. This is very, very important. The committee took this as the most important bill of this session. If anybody has been around this body for a number of years or have come to visit in the past, this bill has been number one on many people's agenda for 10, 12 or 15 years. Why? You hear some of the other people speaking and asking why this bill has never been acted upon and brought into law. We hear the good chair from the Banking and Insurance Committee say that in two years when that computer comes, it will be okay to do this. Ladies and gentlemen, our committee looked at that. We have worked out the arrangements with the Secretary of State. They say they are ready and geared up to do it now. Let's get the paperwork in place so when that new computer comes, it works effectively from that point on. I would respectfully say that if it is okay two years from now, it is okay now.

The other thing is that we are talking about time delays. It is funny when this bill is normally heard in the last 12 or 15 years, every time it went to Banking and Insurance, it was always killed because of the big fiscal note. That was always the reason we killed it. We can't do this because it is going to increase costs and it is going to be a fiscal note that we can't stand; it dies automatically because of the fiscal note. Ladies and gentlemen, down in Transportation, we worked the fiscal note problem out of this. There is nobody that is going to be seeing any great increases in the costs or taken under control through the Transportation Budget.

The other concern here is you are hearing about Fred riding around down the road and the day after his insurance cancelled, he is suddenly paying a \$500 fine. That is just untrue, ladies and gentlemen. What will happen the day after the insurance company finally gets done being tired of chasing Fred for his money, they are going to cancel his insurance and then they are going to be required because of this law to send a notice to the Secretary of State, whenever that happens to get here in the fine Town of Augusta and when the Secretary of State looks at it and determines that Fred has no insurance then, because our committee said 10 days wasn't fair like other suspensions, we extended a person's time to reply to this act of suspension to 30 days. Now you are talking about a lot of time. They pay a month ahead of time. They fail to pay and then there is a 10 day and then they get to the state and then there is 30 days from that point on. Honest to goodness, all the good hardworking taxpayer people I know out there after that amount of time and that many notices were going to take this very seriously and pay for the late payment that they forgot about, as was being talked about before.

The other thing is paperwork, they all said that this is too much paperwork. Ladies and gentlemen, we asked those people questions and come to find out, these insurance companies are already sending notices to all kinds of other insurance companies, to banks, to the lien holders, they don't have any problem pushing a button and saying this person cancelled their insurance, go tell the lien holder that wants to know because we work hand in hand with those loaning facilities and those loaning financial institutions. We are in the same business, money. That already in place to send the button to add the DMV is no problem to it.

Is it going to be troublesome to get this up and running? Certainly. I think that is why the next two years is an adequate time to get the paperwork system and the bugs worked out so that the computerized system that starts in two years works properly.

Ladies and gentlemen, why do we do this? Why is this important? It is not important for any of the things that I just said. Those were all reasons and excuses not to do the right thing. Ladies and gentlemen, you have to look your neighbor in the eye, your constituent in the eye, your grandmas, the mothers and the children of those 4,300 people. Let me tell you that as a police officer I want you to know there are 4,300 people that we are probably talking about are the people we chase around day after day after day. They are the same people that violate time and time and time again. My mother-in-law is a very, very poor lady. I want you to know that when my father-in-law, God love him, just died a couple of weeks ago. He was a four or five time habitual offender. He drove and he did all kinds of bad things and he could have been one of those people that were killing people out there, but God love him, he didn't kill anybody. I want you to know that my mother-in-law is the sweetest lady in the world and the number one most important thing she does is make sure she has insurance because she knows when something bad happens how my father-in-law could have impacted the family. Those hardworking poor people are the ones that are the good honest citizens that are out there paying these bills. Don't anybody vote against doing the right thing here because they are afraid that the hardworking people don't have a say in this.

The reason why you should vote for this, ladies and gentlemen, a few years ago down in Washington County I had to investigate an accident down there with four dead people, ladies and gentlemen. Four people died. There were six people involved in an accident and I will tell you that the two people in one vehicle were people that I chased around for years. They were violators, violators, violators. The driver of the other vehicle, I chased around for years, ladies and gentlemen. I want you to know that the three children in that car were innocent victims. Four people died, the driver of one vehicle and the three children. Ladies and gentlemen, how do you look mothers in the face and tell them that just because the system chooses not to act, that we don't require some vehicle to have registration. We are talking about the vehicle being registered, not necessarily the person. In that case if both vehicles were insured and both drivers were not insured, the insurance companies would be paying. The question was asked earlier, why do the insurance companies not just pass the cost on? Why are they at the fence? Why are they running down from the Banking and Insurance Committee when they heard we were talking on this and got their finger in my face in the hallway and said, what do you guys think you are doing down here? Ladies and gentlemen, when somebody sticks their finger in my face here in the Legislature that stands out in the hallway, I don't take it very kindly. I want you to know that those four people that were dead

and me having to look those family members in the eye and saying there is no insurance policy that should have been on that case and those people have to go on without any coverage. Those are the people we should be voting for here today, ladies and gentlemen, not the people that don't want to pay these bills. They don't want to pay those 4,300 types of people's claims in the future because they know they are either going to be the most horrific claims out there. They are the ones that come to the papers. They are the ones that come to our attention. Ladies and gentlemen, those are the ones that we should be voting to oppose this Indefinite Postponement. Thank you.

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

Representative **ASH**: Mr. Speaker, Men and Women of the House. I rise today, but I don't usually, but this is kind of dear to me. There are more problems than what meets the eye here. I am in the automobile business. I have a fleet of tow trucks. I do an awful lot of towing. You take these uninsured motorists that you go and pick up their cars, you end up keeping those cars forever. Nobody comes and claims them. You can't get rid of them. You have to apply through the Secretary of State to get a title. It is very costly to get rid of them. Not only have you lost your time going out and picking these things up, but you have to set on them for six months or so, like these cars that were involved in the accident that this Representative just spoke about. The man that went and picked those cars up, I am sure it was gruesome. He didn't get paid, but he had to sit on that car and God only knows what has happened to it at this point. There is more than meets the eye. I believe that everybody should be made to carry insurance. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Ladies and Gentlemen of the House. I have no connections with the insurance companies. I run clean elections. I take no money. I have not spoken to any lobbyists and I still think this is a bad bill. I don't think this bill is going to do what you are trying to achieve. This isn't going to force people to buy insurance. If they don't have insurance, it is because they don't have any money. They won't be able to pay their fines, if they don't have any money to buy the insurance. I am not a proponent of people driving without insurance. I will tell you that I am guilty as charged about being late and getting notices. I have never had my insurance cancelled, but when I am here for the week and I get home with my week's mail, I have forgotten to send in my premium. I am guilty.

I heard in Connecticut they did this very same kind of legislation and it didn't work. What happened was the insurance companies had the VIN numbers and had insurance numbers and if they got cancelled, the state didn't pick up those numbers and there was a whole bunch of angry citizens in the state that were cancelled when they shouldn't have been because they crossed all the VIN numbers and made horrible mistakes. There were a lot of unhappy citizens in Connecticut.

I really believe that this is not about insurance at all. I believe it is about raising \$1.6 million. Thank you.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I have to take exception to what the good Representative just stated. Given the rationale that many of us have talked about as far as if you don't have money to have insurance, then this is a bad bill. We might as well allow people to shoplift up to \$100 from Wal-Mart because they can't afford food for clothing. The idea here is if you are injured or your car is damaged by an uninsured driver and you are in the same socio-

economic class, you are also put out. You can't get to your job. It affects you physically and economically. There are many, many reasons there. The basic underlying ideal here is it is illegal to drive uninsured. We talked about this 4 percent of motorists who are uninsured. You might be right. Those might be the people who perennially will not get insurance. Representative O'Neil from Saco said these are the people who are habitual OUI drivers and many other offenses. That is why there is also some teeth to these fines, the \$500 and the \$1,000. We are going to make them pay for when they do injure someone and these are the people who, as Representative Wheeler spoke about, immediately go in and get a registration and then cancel it. They know what they are doing. We looked at the pieces. We talked about what other states have done to alleviate that fear and that is why we put in this 30-day cushion. Members of the committee have actually said, I have forgotten my insurance, will I be penalized this severely for an honest mistake? The answer is no. We made sure that we put in the buffer that if you sincerely made a mistake, you would not be injured.

The final discussion was that this is a perennial bill so it is a bad bill. Yesterday and today we voted for single-payor health care. That bill has been here, I believe, for the last 12 years. Don't tell me that just because a bill has come back here over and over it is a bad bill. It may be that it is a bill whose time has come and we are finally addressing it. I feel that the Transportation Committee has done that.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. The Representative from Biddeford comes out and says that she doesn't think this is going to make people get the insurance that they are supposed to get on their cars. That isn't the point. What it will do is the person that doesn't get the insurance and is reported to the Secretary of State, his registration, his right to drive the car will be taken away. If that saves one life, to me, it is well worth it.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I know there is a lot of pressure here from the insurance industry, but please consider that we gave the insurance industry a huge, huge involuntary market share when we required mandatory auto insurance here in the state. They picked up customers they would never have been able to sell policies to because of that law. Now, heaven forbid, they have to give us something back by giving us data on their customers that were forced into their markets. I don't feel sympathetic to them at all. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. We hear that this will take drivers off the road. What percentage of drivers now drive cars that are unregistered?

The SPEAKER: 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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, I don't know exactly, but I will give you a glint.

In the Rebecca Wyke, Deputy Secretary of State's memo to the committee, that 5.95 percent was the percentage of

accidents that involved uninsured drivers. Read into that what you will, but you tend to think that uninsured drivers would probably be less safe. Of those cars in accidents, 5.95 were uninsured.

There are lots of unregistered vehicles out there. We have said it before, if those people are going to drive the vehicles drunk, habitually without a license, without a registration, after suspension, what are we going to do that is going to make them pay for insurance? It is not about those folks. It is not about the insurers. It is not about being sympathetic to the insurers. Nobody here is sympathetic to the insurers, for goodness sake. We all resent them. The fact of the matter is, they can pass along any paperwork costs to us and they would be more than happy to go to the Superintendent of Insurance and ask for that increase.

We talked about Fred and the cushion. He is the one in the abstract because we haven't passed this bill yet. Ladies and gentlemen, we have heard from the concrete people and the stories are compelling. They are horrible. They happen to people with insurance. They happen to people without. In the abstract, we made up Fred. Fred is stuck even with the cushion, Mr. Speaker. What if the plaintiff is unscrupulous or the plaintiff's lawyer is unscrupulous and he doubles the damages demand and holds it up. Fred is stuck. What if the injured person holds off on demanding the damages to punish somebody like Fred? He can't resolve this thing and Fred is still stuck without his license and without his registration. What if the injured person waits six years to file a lawsuit? We have a six-year statute of limitations, Mr. Speaker. Fred is stuck. What if the person who caused the accident, the one that hit Fred, is willing to pay the damages, but can't do so because of the actions of the other party? Again, Fred was late in paying the premium, but does he deserve this? Does he deserve fines in the thousands of dollars for that, because he got hit by somebody who was negligent or drunk? Finally, what if the person who causes the accident, the person who hit Fred, has a family. They are the constituents we look in the eye next door. They need a car to drive to work and they can't do so because somebody doesn't want to settle. Fred is stuck, Mr. Speaker.

As to the carriers being ready and the Secretary of State being ready, the Secretary of State is almost ready, but there are 300 plus carriers in this state that are not ready to interface on that system. As far as fiscal notes being the cause of the demise of this bill, I have never seen a fiscal note on one of these bills in Banking and Insurance. We don't get them. We have killed the bill because we realize it is well intentioned, but just doesn't get at the problem. We have never considered it with fines this steep. I urge you, Mr. Speaker, play it safe on this one, Indefinitely Postpone it.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I don't like to let anybody else have the last word so I had to stand up. To answer the good Representative from Saco, Representative O'Neil's last comment, the reason Banking and Insurance didn't see any kind of a fiscal note with this is because last time I checked, Transportation was the party that oversees the Secretary of State's budget. I don't believe that Banking and Insurance has anything to do with the Secretary of State's budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. Representative Wheeler and I try to out do each other in committee. I am not going to let him have the last word either. I was told early on not to invest yourself in the bills on the floor or in your committee work in case they fail. I haven't totally invested myself in this bill, but I would like to make a couple of observations about it. I think there is a solution to this. I think the solution lies within the industry working with both committees. Unfortunately a lot of what you are hearing from Banking and Insurance was not given to Transportation. Industry did not share with us. They did not answer questions when we asked them. This is the bill that we came out with. I think it is a fair shot at solving a very serious problem. I am sorry about Fred, but my person in Rockland who has an old beater who could only afford collision got hit by the uninsured motor vehicle now has no car and because they are so poor they can't afford to pay their car nor did they have any insurance. They can't get Cub Care. They can't get anything. Those are the people that Transportation were really concerned about, not people like, perhaps, you and I who have coverage and are insured against uninsured motor vehicles, but the people who have very low level coverage or collision coverage who have no way to replace their vehicles or get back and forth to work. Whether you Indefinitely Postpone or not or if you want to hear it two more years, you will hear it in two more years. I think probably by then you will be as frustrated with the insurance industry as you are with the drug companies. Thank you.

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

ROLL CALL NO. 236

YEA - Belanger, Berry DP, Brannigan, Bryant, Buck, Bull, Bumps, Canavan, Carr, Chase, Clough, Cote, Cowger, Cummings, Dorr, Dudley, Duplessie, Etnier, Fuller, Glynn, Green, Hall, Honey, Hutton, Jacobs, Kane, Kasprzak, LaVerdiere, Laverriere-Boucher, Lemoine, Lovett, Lundeen, Madore, Mailhot, Matthews, Mayo, McGlocklin, Mendros, Michael, Michaud, Mitchell, Muse C, Norton, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pineau, Pinkham, Quint, Richardson, Rosen, Savage, Schneider, Sherman, Simpson, Smith, Snowe-Mello, Sullivan, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

NAY - Andrews, Annis, Ash, Blanchette, Bouffard, Bowles, Brooks, Bruno, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Crabtree, Cressey, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Duprey, Estes, Fisher, Foster, Gagne, Gerzofsky, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Jodrey, Jones, Koffman, Labrecque, Landry, Ledwin, Lessard, MacDougall, Marley, McDonough, McGowan, McKee, McKenney, McNeil, Morrison, Murphy E, Murphy T, Nass, Norbert, O'Brien LL, Paradis, Patrick, Povich, Richard, Rines, Shields, Skoglund, Stanley, Thomas, Tracy, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ.

ABSENT - Bagley, Baker, Berry RL, Bliss, Marrache, McLaughlin, Muse K, Perry, Stedman, Tessier, Tuttle, Mr. Speaker.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 512) (L.D. 652) Bill "An Act to Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-555)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)** on Bill "An Act to Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions" (H.P. 236) (L.D. 273)

Signed:

Senators:

FERGUSON of Oxford
McALEVEY of York

Representatives:

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

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

Signed:

Senator:

RAND of Cumberland

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-560)** 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-560)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 268) (L.D. 915) Bill "An Act to Amend the Maine Insurance Guaranty Association Act" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-240)**

(S.P. 331) (L.D. 1099) Bill "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

(S.P. 371) (L.D. 1209) Bill "An Act to Assist Families in Meeting their Basic Needs" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-238)**

(S.P. 445) (L.D. 1499) Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-237)**

(S.P. 476) (L.D. 1540) Bill "An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-234)**

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)** on Bill "An Act to Increase the Penalty for Criminal Homicide Caused by a Person Operating a Motor Vehicle While Under the Influence"

(S.P. 316) (L.D. 1084)

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
PEAVEY of Woolwich
SNOWE-MELLO of Poland
GERZOFKY of Brunswick
WHEELER of Bridgewater

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

Signed:

Representatives:

QUINT of Portland
MITCHELL of Vassalboro

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-242)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-242)** 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-242)** in concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-504)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Telephone Wagering for Horse Racing"

(H.P. 928) (L.D. 1242)

Which was **TABLED** by Representative CHIZMAR of Lisbon pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. LD 1242 is the same bill that we heard last session. I will tell you that the Department of Agriculture is not in favor of this piece of legislation. In correspondence that I received from them explaining their opposition is that racing has a long history in Maine and it is part of the tradition of agricultural fairs and is an important component of the agricultural industry. They also believe that whatever short-term gains that the industry may realize by encouraging armchair betting will be offset by the undermining of the established traditions of the harness racing experience. There have been a number of efforts to improve harness racing in Maine. Right now there are funds that have been provided to encourage the graduates of the Sire Stakes Program to either remain or return to Maine's racing scene. This

in turn will generate the kind of grassroots enthusiasm that is needed to sustain and to help the industry grow. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, I am on the opposite side of this issue. Basically because if you think for one minute that betting through your computers or over your telephone is not happening now, then go on the internet and see what you find out. The concern that some of us have with this is that those are monies that are being sent to Pennsylvania where the betting center is, if you will, or one of the other things that we were told about this is there is a ship offshore somewhere that also accepts your betting. There are guidelines in this. If you look at how it is amended, you have to establish an account. You have to go in there personally and establish that account using cash or a check. You can then go home and call in. Once that money is gone, you have to go back to reestablish your account.

As the good Representative from Lisbon said, this is a bill that passed last year. I think it is something that we really need to look at as a source of lost revenue and something that is being done now and if we enforce this, then we create some rules and regulations so that it can be looked after by the police. I would appreciate your voting Ought to Pass and defeating the present motion. Thank you.

Representative **TRACY** of Rome **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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. As the chair of the Agriculture, Conservation and Forestry Committee, I want to support the department's position. This is my fifth year of being here and each year we talk about how to infuse our fairs with the kind of wholesome activities that brings people out. There is nothing wrong with horse racing. Many of our grandparents were farmers and the horse and its ability was held in high regard and the raising of such horses was held in high regard also. To allow and to encourage further betting through these telephone accounts seems to go against what we are trying to do with Maine fairs. We would like to keep the horse racing. We are not trying to encourage betting. It does place the betting above the experience. Certainly lots of money can be made on the internet through lots of practices regarding betting and many of us receive those pieces of junk mail about that betting. Let's not go there. Let's not go there to the internet. Let's not further encourage the betting over the racing experience. I would urge you also to accept the Majority Ought Not to Pass. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. This is a bill about money, the money that people bet on horses. From that money we gain some dollars here in the State of Maine. It is wagering. It is money. It is money that is going to be bet either on horses and we get a little bit of it or we say, no, we are not going to go there. We are going there already. I don't think anybody ever thought that Mr. Ricci down there in Scarborough, when he was alive, was in the business for the pure love of horses. He was in the business for money. This is a bill about money. Money is already being wagered. We need to take some of that money and keep it here in the State of Maine. Please, when we think about that dollars and cents, this is not too hard a thing to envision of us keeping some of that

money for the State of Maine. Please do not vote for Ought Not to Pass, but, in fact, go against the motion. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you to support the Majority Ought Not to Pass Report. This is about money. This is about wagering. If you want to increase wagering and obtain a little more money for the state, I would say it would be very little, then vote against the pending motion. This bill will do nothing, absolutely nothing, to stop the internet betting that is currently going on. It doesn't deal with that issue directly and it will not solve that issue. Frankly, the committee after this session of the Legislature is very uncertain as to how that issue can be dealt with. This issue deals with increasing gambling in the State of Maine. If you feel comfortable doing that, then you certainly should go ahead and vote against this particular bill. I would urge you to accept the Majority Report and follow the light of the good Representative from Lisbon. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief in my remarks as the hour is getting late. I know we all want to go home. I have to stand and urge you to support the Majority Report, Ought Not to Pass, for a number of what I feel are very valid reasons. Having been in the horse business myself and raced at many tracks across the State of Maine, I can tell you that these agricultural fairs run on a very, very tight shoestring. If you allow telephone betting that goes into the agricultural fairs, you are going to put an added expense on the people that are managing the fairs to have people there to answer the phone and to make sure that these bets are recorded properly. I understand very well that the large tracks like Scarborough and Bangor are more able to handle this without it eating into their profit. That is not what harness racing is about in Maine. Harness racing is a tradition that goes back. Bangor has had it for 150 years at Bass Park, what was formally known as Maplewood. We want to retain the agricultural aspect of harness racing. It is a long proud history to be passed on to our family and our grandchildren and we have children's day at Bass Park every year. We bring the kids that have never been exposed to a horse down there and let them get up close and personal with them. It is part of Maine's history. Let's not encourage people to pick up the phone and bet and not go down there and find out what harness racing is all about. Thank you Mr. Speaker.

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. 237

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Haskell, Hawes, Honey, Hutton, Jones, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, MacDougall, Madore, Mailhot, Marley, Mayo, McGlocklin, McKee, McKenney, McNeil, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Winsor, Mr. Speaker.

NAY - Bruno, Clough, Collins, Crabtree, Duncan, Duprey, Foster, Glynn, Hatch, Heidrich, Jodrey, Labrecque, Ledwin, Lundeen, McDonough, McGowan, Mendros, Michael, Murphy E, Muse C, Nutting, O'Brien LL, Patrick, Pinkham, Rosen, Schneider, Sherman, Thomas, Treadwell, Young.

ABSENT - Bagley, Baker, Bliss, Dugay, Goodwin, Jacobs, Kane, Landry, Marrache, Matthews, McLaughlin, Morrison, Muse K, Perry, Stedman, Tessier, Tuttle, Wheeler EM, Wheeler GJ.

Yes, 102; No, 30; Absent, 19; Excused, 0.

102 having voted in the affirmative and 30 voted in the negative, with 19 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-506)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races"

(H.P. 220) (L.D. 255)

Which was **TABLED** by Representative CHIZMAR of Lisbon pending **FURTHER CONSIDERATION**.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Regulate Push Polling"

(S.P. 308) (L.D. 1055)

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

TABLED - May 21, 2001 (Till Later Today) by Representative CHIZMAR of Lisbon.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative CHIZMAR of Lisbon, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative TRAHAN of Waldoboro **PRESENTED** House **Amendment "D" (H-545)**, which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to give you a little history on push polling from the 119th Maine Legislature. In the dead of night we had a bill to regulate push polling. From that long and tedious debate an amendment was passed of mine that asked the Ethics

Commission to adopt rules to govern push polling. Over the summer I met with the Ethics Commission and they held meetings to try to regulate push polling. What came of that was basically nothing. The Ethics Commission wrote me a letter, I have a handout here if the Clerk would like to distribute it, that said without stricter guidance from the Legislature, they could not adopt rules governing push polling. We are left back in this posture with no bill on push polling.

This bill, which I try to amend, tries to clarify the definition of push polling. This definition in the amendment is in current Nevada law and it is defined as, as used in this section, means the canvassing of persons by means other than established method of scientific sampling, by asking questions or offering information concerning a candidate, which is designed to provide information that is negative or derogatory about the candidate or his family. The term does not include a poll that conducted only to measure the public's opinion about a reaction to an issue, fact or theme. That is exactly the wording of my amendment. There is also another handout that should be coming to you that has the three laws around the nation that regulate push polling. You can look for yourself. I believe that this definition is as close to the definition of push polling that we can get to. I would remind you that this is now in current law in Nevada.

I know for many of you this is a very contentious issue and you want to be clear with the definition. I would say to you given these facts that I circulated to you, that it is as close as we can get to the definition of push polling. I ask you to support it. Thank you.

House Amendment "D" (H-545) was ADOPTED.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "D" (H-545) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-549)** on Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine (EMERGENCY)

(H.P. 1314) (L.D. 1778)

Signed:

Senators:

YOUNGBLOOD of Penobscot

SHOREY of Washington

BROMLEY of Cumberland

Representatives:

THOMAS of Orono

HATCH of Skowhegan

RICHARDSON of Brunswick

BRYANT of Dixfield

DORR of Camden

MICHAUD of Fort Kent

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

Signed:

Representatives:

MORRISON of Baileyville

DUPREY of Hampden

CLOUGH of Scarborough

MURPHY of Kennebunk

READ.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales"

(H.P. 14) (L.D. 14)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456)** in the House on May 21, 2001.

Came from the Senate with Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative WATERHOUSE of Bridgton moved that the House **ADHERE**.

Representative FULLER of Manchester moved that the House **RECEDE AND CONCUR**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 238

YEA - Ash, Berry RL, Brannigan, Brooks, Bull, Bunker, Colwell, Cowger, Cummings, Daigle, Dorr, Dudley, Dugay, Dunlap, Estes, Etnier, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Koffman, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, McDonough, McKee, Michaud, Muse C, Norbert, Norton, O'Neil, Paradis, Patrick, Quint, Richardson, Rines, Simpson, Thomas, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Bryant, Buck, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Davis, Desmond, Duncan, Duplessie, Duprey, Fisher, Foster, Glynn, Gooley, Green, Haskell, Heidrich, Honey, Hutton, Jodrey, Jones, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lovett, Lundeen, MacDougall, Madore, Mayo, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Mitchell, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Goodwin, Jacobs, Kane, Landry, Marrache, Matthews, McLaughlin, Morrison, Muse K, Perry, Stedman, Tessier, Tuttle, Wheeler GJ.

Yes, 45; No, 89; Absent, 17; Excused, 0.

45 having voted in the affirmative and 89 voted in the negative, with 17 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-168)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Promote Fairness and Equity in Liquor Prices"

(S.P. 136) (L.D. 460)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)**.

TABLED - May 17, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis who wishes to address the House on the record.

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I missed a roll call on LD 758. If I had been present, I would have voted yea. Thank you.

Representative QUINT of Portland moved that the House **RECONSIDER** its action whereby Bill "An Act Regarding Uninsured Drivers"

(S.P. 425) (L.D. 1380)

And all accompanying papers were **INDEFINITELY POSTPONED**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the House voted to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

On motion of Representative CHICK of Lebanon, the House adjourned at 8:35 p.m., until 9:00 a.m., Wednesday, May 23, 2001.