

# 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  
 66th Legislative Day  
 Monday, June 11, 2001

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

Prayer by Pastor John Hall, Litchfield Plains Baptist Church.  
 Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing Term Limits"  
 (H.P. 697) (L.D. 901)

Minority (1) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-690)** in the House on June 7, 2001.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative TUTTLE of Sanford moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

Representative CLOUGH of Scarborough moved that the House **RECEDE AND CONCUR**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "E" (H-703)**, which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. What the amendment does is the amendment repeals term limits for legislators subject to the approval from the voters at referendum held in November 2002. When the original debate happened there was some concerns about having it in November 2001. I know the good Representative from Sanford, Representative Bowles, had mentioned that so I put together this amendment in hopes that we might get some agreement with the other body. I am asking that we adopt this and allow the process to go forward.

Representative CLOUGH of Scarborough moved that **House Amendment "E" (H-703)** be **INDEFINITELY POSTPONED**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-703)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-703). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 380**

**YEA** - Andrews, Annis, Berry DP, Bruno, Buck, Bull, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Davis, Desmond, Duprey, Foster, Glynn, Gooley, Honey, Jodrey, Kasprzak, Ledwin, Lovett, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGowan, McKee, McKenney, McNeil, Mendros,

Michael, Morrison, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tracy, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

**NAY** - Ash, Bagley, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bryant, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Dorr, Dunlap, Etnier, Fisher, Fuller, Gagne, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Labrecque, LaVerdiere, Laverriere-Boucher, Lessard, Madore, McGlocklin, McLaughlin, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Savage, Simpson, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Wheeler EM, Wheeler GJ, Mr. Speaker.

**ABSENT** - Baker, Belanger, Blanchette, Brannigan, Canavan, Cummings, Daigle, Dudley, Dugay, Duncan, Duplessie, Estes, Gerzofsky, Kane, Koffman, Landry, Lemoine, Marrache, Matthews, Muse C, Muse K, O'Brien LL, Quint, Richardson, Rines, Skoglund, Stanley, Tessier, Tobin J, Watson.

Yes, 55; No, 66; Absent, 30; Excused, 0.

55 having voted in the affirmative and 66 voted in the negative, with 30 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-703) FAILED**.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-703)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "E" (H-703). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 381**

**YEA** - Ash, Bagley, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bryant, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Duncan, Dunlap, Etnier, Fisher, Fuller, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Labrecque, LaVerdiere, Laverriere-Boucher, Lessard, Madore, McGlocklin, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Savage, Simpson, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Wheeler EM, Wheeler GJ, Mr. Speaker.

**NAY** - Andrews, Annis, Belanger, Berry DP, Bruno, Buck, Bull, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Desmond, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Honey, Jodrey, Kasprzak, Ledwin, Lovett, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGowan, McKee, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tracy, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

**ABSENT** - Baker, Blanchette, Brannigan, Canavan, Daigle, Dudley, Dugay, Duplessie, Estes, Gerzofsky, Kane, Koffman, Landry, Lemoine, Marrache, Matthews, Muse K, Quint, Richardson, Rines, Skoglund, Stanley, Tessier, Tobin J, Watson.

Yes, 69; No, 57; Absent, 25; Excused, 0.

69 having voted in the affirmative and 57 voted in the negative, with 25 being absent, and accordingly **House Amendment "E" (H-703) was ADOPTED**.

On motion of Representative TUTTLE of Sanford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "D" (H-690)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "D" (H-690)** was **INDEFINITELY POSTPONED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "E" (H-703)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**COMMUNICATIONS**

The Following Communication: (S.C. 346)

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

June 7, 2001

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

Dear Clerk MacFarland:

Please be advised that the Senate today Adhered to its previous action whereby Bill, "An Act to Repeal the Presidential Preference Primary Elections" (H.P. 960) ( L.D. 1273) and accompanying papers was Indefinitely Postponed.

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

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative **BUNKER** of Kossuth Township, the following Joint Resolution: (H.P. 1371) (Under suspension of the rules, cosponsored by Senator **CARPENTER** of York and Representatives: **BAGLEY** of Machias, **BRYANT** of Dixfield, **CHICK** of Lebanon, **CLARK** of Millinocket, **DUGAY** of Cherryfield, **DUNLAP** of Old Town, **ESTES** of Kittery, **GOODWIN** of Pembroke, **LAVERRIERE-BOUCHER** of Biddeford, **LEMOINE** of Old Orchard Beach, **McGLOCKLIN** of Embden, **MORRISON** of Baileyville, **PERKINS** of Penobscot, **SHERMAN** of Hodgdon, **STANLEY** of Medway, **SULLIVAN** of Biddeford, **TRACY** of Rome, **TRAHAN** of Waldoboro, **WHEELER** of Bridgewater, Senators: **KILKELLY** of Lincoln, **LEMONT** of York, **SHOREY** of Washington, **YOUNGBLOOD** of Penobscot)

**JOINT RESOLUTION REGARDING THE RELEASE OF ALEWIVES, OR "GASPEREAUX," INTO THE ST. CROIX RIVER**

WHEREAS, the passage of alewives, or "gaspereaux," upstream of the Woodland Dam and Grand Falls Dam on the St. Croix River is a matter of mutual concern to the communities of the St. Croix River; and

WHEREAS, the United States Government, the State of Maine, the Government of Canada and the Province of New Brunswick have not yet completed a formal agreement regarding the release of alewives, or "gaspereaux," in the St. Croix River; and

WHEREAS, the Canadian Department of Fisheries and Oceans has begun to truck and release hundreds of alewives, or "gaspereaux," around the Woodland Dam; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, recognize that it is the best interest

of the United States Government, the Government of Canada and the Province of New Brunswick to hold public hearings and consult with interested private and public entities and Native Americans to address and resolve the issues surrounding the release of alewives, or "gaspereaux," above the Woodland Dam and Grand Falls Dam; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Canada, the Premier of New Brunswick, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation, the Speaker of the Senate of Canada and the Speaker of the House of Commons of Canada, the Lieutenant Governor of New Brunswick, the Speaker of the New Brunswick Legislative Assembly, the Canadian Department of Fisheries and Oceans, the United States Fish and Wildlife Service, the New Brunswick Department of Natural Resources and Energy and the Chairs of the Joint Standing Committee on Inland Fisheries and Wildlife and the Chairs of the Joint Standing Committee on Marine Resources within the Maine State Legislature.

**READ and ADOPTED.**

Sent for concurrence.

**ENACTORS**

**Emergency Measure**

An Act Concerning Technical Changes to the Tax Laws

(H.P. 1190) (L.D. 1613)

(C. "A" H-689)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Mandate**

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

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

(S. "A" S-326 to C. "A" H-503)

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

Representative **COLWELL** of Gardiner **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**Mandate**

An Act to Provide for Variance Notification in the Shoreland Zoning Law

(H.P. 704) (L.D. 919)

(C. "A" H-33; S. "A" S-327)

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

On motion of Representative **COLWELL** of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**Acts**

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units

(H.P. 592) (L.D. 747)  
(S. "A" S-328)

An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System

(H.P. 1098) (L.D. 1467)  
(H. "A" H-687 to C. "A" H-442; S. "A" S-252)

An Act to Amend the Finance Authority of Maine Act  
(H.P. 1259) (L.D. 1694)  
(S. "B" S-325 to C. "A" H-467)

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.

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:

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**UTILITIES AND ENERGY**

Bill "An Act to Clarify the Laws Regarding the Extension of Water and Wastewater Service to the Town of Raymond" (EMERGENCY)

(H.P. 1372) (L.D. 1828)

Presented by Representative BRUNO of Raymond.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**SENATE PAPERS**

Bill "An Act to Provide Dairy Farmer Equity"  
(S.P. 648) (L.D. 1826)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, under suspension of rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison

(S.P. 311) (L.D. 1058)

has had the same under consideration, and asks leave to report:  
That they are **UNABLE TO AGREE**.  
Signed:

Senators:

BENNETT of Oxford  
WOODCOCK of Franklin  
KILKELLY of Lincoln

Representatives:

TUTTLE of Sanford  
SKOGLUND of St. George  
PEAVEY of Woolwich

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

**Non-Concurrent Matter**

Bill "An Act Providing Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees" (EMERGENCY)

(H.P. 1368) (L.D. 1825)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-707)** in the House on June 8, 2001.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-331)** in **NON-CONCURRENCE**.

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

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

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

(H.P. 483) (L.D. 623)  
(S. "A" S-326 to C. "A" H-503)

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

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 382**

YEA - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Canavan, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Heidrich, Hutton, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Winsor, Young, Mr. Speaker.

NAY - Bagley, Belanger, Berry DP, Bumps, Carr, Chase, Chizmar, Clough, Crabtree, Cressey, Desmond, Duprey, Foster, Glynn, Goodwin, Gooley, Hawes, Honey, Jodrey, Kasprzak, MacDougall, McGlocklin, Mendros, Michael, Morrison, Muse K, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Rines, Rosen, Sherman, Shields, Snowe-Mello, Stedman, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Koffman, Landry, Lovett, Matthews, Mitchell, Perry, Tobin J, Watson.

Yes, 99; No, 44; Absent, 8; Excused, 0.

99 having voted in the affirmative and 44 voted in the negative, with 8 being absent, and accordingly the Mandate **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

An Act to Provide for Variance Notification in the Shoreland Zoning Law

(H.P. 704) (L.D. 919)  
(C. "A" H-33; S. "A" S-327)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE TO BE ENACTED**.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I just want to briefly explain the mandate provision on this bill. The mandate is minor. It is asking the towns to send out notification. I know that when I was on the Natural Resources Committee in cases we required the towns to do that. This is part of that process of coming through with the mandate on it. I haven't had anything to do with the bill itself, but I want to you know as far as the mandate it came to the Appropriations Table with the mandate provision. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. Could somebody involved with this particular item tell the House why we couldn't find the funds for this instead of exempting ourselves from 90 percent of the funding?

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

Representative COWGER: Mr. Speaker, Ladies and Gentlemen of the House. This bill is before us not for any funding whatsoever. It is merely before us because it is a mandate. I would just like to reiterate that the mandate for this bill is fully supported by the Maine Municipal Association. Again, it merely requires that if on the local level, the local boards are considering a variance, they merely notify the Department of Environmental Protection, which is allowing them to comment, but has no jurisdiction whatsoever. The decisions remain at the local level. It just allows for comments for variances. Again, it is fully supported by the Maine Municipal Association. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. If the Maine Municipal Association supports this, is there any reason they can't do it now without us telling them they have to do it and since we are telling them they have to do it, there must be some minute expense that they have to go through to notify the department?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I don't think I can answer the first part of the question. I wasn't involved with the bill in that sense. It is my understanding that the costs are undetermined because of the nature. It is probably posted notifying abutters. It was insignificant costs. My own opinion on some of the mandates is if we all have to do it, what is the point of raising taxes to send it back, let the town deal with it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Mr. Speaker, Ladies and Gentlemen of the House. Also in response to the question, this is a provision of law that used to be on the books. We are merely reinstating it because it hasn't been done voluntarily by municipalities. It was part of the Productivity Realization when this was stripped out years ago. It is now going to be done using existing resources. There is no fiscal note to it. The fiscal impact is the cost of a stamp to send the letter to Augusta. We are basically reinstating something that used to be law.

Representative MENDROS of Lewiston **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.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

### ROLL CALL NO. 383

YEA - Annis, Bagley, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Winsor, Mr. Speaker.

NAY - Andrews, Ash, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Chizmar, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Muse K, Nutting, Peavey, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Dugay, Koffman, Labrecque, Landry, Lovett, Marrache, Matthews, Mayo, Mitchell, Patrick, Perry, Tobin J, Watson.

Yes, 89; No, 49; Absent, 13; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 13 being absent, and accordingly the Mandate **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

**SENATE PAPERS**

**Reported Out of Committee Pursuant to Joint Order**

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

(S.P. 322) (L.D. 1090)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** on February 22, 2001.

- In House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** on February 22, 2001, in concurrence.

- **REPORTED OUT** of Committee pursuant to Joint Order (S.P. 647).

Came from the Senate, under suspension of the rules, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

Representative RICHARD of Madison moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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 Freeport, Representative Bull.

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

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

Representative **BULL**: Mr. Speaker, Ladies and Gentlemen of the House. To any members of the Education Committee who could answer this, has there been a public hearing on this bill before it was voted to carry over?

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. This was discussed in committee, but not necessarily with a public hearing. It was voted to carry it over. It was the committee's intent to find out the information that was in the other bill before we worked on this bill.

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. 384**

**YEA** - Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Clough, Cressey, Daigle, Desmond, Duncan, Dunlap, Estes, Etnier, Foster, Glynn, Hawes, Heidrich, Honey, Kane, Labrecque, Ledwin, Lemoine, Lessard, Mailhot, McKee, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Quint, Richard, Savage, Schneider, Shields, Stedman, Tobin D, Treadwell, Usher, Weston, Winsor, Young, Mr. Speaker.

**NAY** - Annis, Ash, Berry DP, Blanchette, Bliss, Brooks, Bryant, Buck, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Davis, Dorr, Dudley, Dugay, Duplessie, Duprey, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hutton, Jacobs, Jodrey, Jones, Kasprzak, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Madore, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Morrison, Murphy T, Nass, Norton, O'Brien LL, Paradis, Patrick, Peavey, Perry, Pineau, Pinkham, Povich, Richardson, Rines, Rosen, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Tuttle, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ.

**ABSENT** - Koffman, Landry, Lovett, Matthews, Mitchell, Sherman, Tobin J, Watson.

Yes, 53; No, 90; Absent, 8; Excused, 0.

53 having voted in the affirmative and 90 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative **BULL** of Freeport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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

On motion of Representative **TRAHAN** of Waldoboro, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned. (Roll Call Ordered)

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

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

(S.P. 322) (L.D. 1090)

Which was **TABLED** by Representative **TRAHAN** of Waldoboro pending **PASSAGE TO BE ENGROSSED**. (Roll Call Ordered)

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I have been asked by two or three people why I switched my vote on this. I would like it to go on record anyway. As I said a week ago, I have been against mass fingerprinting, gathering up people who have been teaching in communities for 15 or 20 years and fingerprinting. I have been against that. I have not been against new hires, however. Last week when we had this vote, I voted for the repeal. I was frustrated by the situation where it was tied in. What I wanted was some information. I said this last week too. I did vote for the repeal. I was hoping that we could get them separated, those two issues. We did, but for some reason the bill whereby we could get some gross information, categories at least, failed. I voted against the repeal today and I will tell you why. This frustrates me

immensely when the very people that asked for my vote to repeal this are the ones that will not allow any information to be divulged. I know two years ago the bill we passed said that this will be confidential, but, friends, we make the law and as far as confidentiality goes, we could change the law enough to allow broad categories, child protective issues in DHS, an enormous amount of confidentiality, but you can find broad categories. That is all we ask for. To me, it is disingenuous and very frustrating for the same people to ask for my vote to repeal when I can't even find out any information as to the three-fourths of the people that have been fingerprinted. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I stand with some reluctance because I know how weary everyone is of the debate, but I just want to mention a couple of things. The fingerprinting law, which has already been costly, which has already been in effect and many, many people have been fingerprinted, was designed to do two things. One, it will determine who in the school system has lied, basically, on their forms about whether or not they have a prior conviction. Sexual predators find children. They can be clergymen. They can be scout leaders. They can be stepparents. They can be parents. Sexual molesters have a disease that is virtually impossible to cure. There is a very high repeat rate and recidivism rate. We put our children at risk when we refuse this safeguard. The second thing that fingerprinting will do is to join the over 40 other states that require fingerprinting for licensing, over 40 states. Maine is not in the flow the way most of the states are going on this issue. Because we will be something like one in less than 10 states who do not require fingerprinting for licensing of teachers, bus drivers or drivers ed people. I just saw in the paper today that conviction. We open our state up to become a haven for those who want to be in a position of safeguarding children, but who cannot be responsible and cannot be counted on to protect those children.

Let me remind you that in the last five years there have been 27 convictions of child molestation in our schools. That is without fingerprinting. Can you imagine what it will mean for Maine to be one of the few states where our children do not have this guarantee? I would appeal to you to think very carefully about what it means to require children to be in the care of adults for this many hours of the day and for us, the Legislature, to refuse the guarantee that at least those with whom we are placing our children, grandchildren, friends, nieces or nephews are in the hands of those who do not have a prior conviction.

One last word, the 1,328 convictions that have shown up of those 27,000 people who have been fingerprinted, those convictions do not include any traffic violations. They do not include OUIs. You can possess an ounce and a quarter of marijuana and you do not show up on this list. I am concerned that there is a lot of misinformation out there about those 1,328 convictions. I ask Maine to stay in step with the rest of the nation, not to open our doors to those who need refuge from states that have determined that this is one small way, but one extremely important measure, that they can take to protect their children. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I will not go into a lengthy debate such as I did last week. I just wanted to point out a few things that I didn't mention last week. One, several months ago before we began this session, there were several newspaper articles entitled, *Maine Becoming a Haven for Child Molesters*. I was contacted because I previously had been a member of the Criminal Justice

Committee. They were talking about not fingerprinting of the teachers, but they were talking about our sex offenders and how they can slip through the cracks because of several things, not tight enough sexual registration and notification law, interstate compact, those things we have taken care of this session, I am proud to say. The other issue is exactly what Representative Baker mentioned. As I did say last time I spoke on this, one of the reasons I agreed to cosponsor this five years ago was the fact that we were getting calls saying, the Education Department was getting calls saying, are you a fingerprinting state? When they said no, they said, would you send me an application? What is going to happen now, as increasingly more and more states are becoming fingerprinting states, the majority of the states are fingerprinting states, we will, in fact, become a haven. Despite all the measures we have done and other bills and other measures, that is a good thing, but as more and more states come on and we say we are going to back off and not do it, I will tell you that it is going to happen.

In regards to the idea of just doing new hires, I will tell you the cases that I have mentioned earlier were not new hires. They were school personnel that had indeed been in the school system for many, many years. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. A green paper is being circulated that has on it an article that was in the *Bangor Daily News* this weekend. This particular article has a number of flaws in it. One of the major ones is that a number of people will say that I thought fingerprinting was just for child molesting, but yet they are including other things in that too. Those of you who are teachers know that when you apply for certification, you have to fill out a form and on that form it asks questions, this was before fingerprinting. You had to fill out the form and on that form it asks if you have been convicted of certain crimes. If you had, you were supposed to supply the information regarding that. As we worked on this law last year, that was one of the last things that we considered. What if fingerprinting shows up somebody who has not been truthful on the forms that they signed when they got the certification? That is when we said we won't go back more than three years. Anything that has happened in that three-year period of time, we will review it with the opportunity for repeal. This particular article sounds like that is something we put in the law last year. That has been on the books for a long time. Some of you know that. This is not anything new. The part of it that is new is there is a way to review it, which there had not been before. If somebody said that no, I have not been convicted of anything, there was no way of knowing if they had. This particular article has many flaws in it and, therefore, I would urge you as you read it to give you that consideration.

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

#### ROLL CALL NO. 385

YEA - Annis, Ash, Berry DP, Blanchette, Bliss, Brooks, Bryant, Buck, Canavan, Carr, Chase, Chick, Clark, Collins, Colwell, Cowger, Crabtree, Cressey, Cummings, Davis, Dorr, Dugay, Duncan, Duplessie, Duprey, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hutton, Jacobs, Jodrey, Jones, Kasprzak, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Madore, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Norton, O'Brien LL, Paradis, Patrick, Peavey, Pineau, Pinkham, Povich, Richardson, Rines, Sherman,



Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Volenik, Waterhouse, Wheeler EM.

**NAY** - Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Chizmar, Clough, Cote, Daigle, Desmond, Dudley, Dunlap, Estes, Etnier, Foster, Glynn, Hawes, Heidrich, Honey, Kane, Labrecque, Ledwin, Lemoine, Lessard, Mailhot, McKee, McKenney, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Perry, Quint, Richard, Rosen, Savage, Schneider, Shields, Stedman, Tobin D, Treadwell, Usher, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

**ABSENT** - Koffman, Landry, Lovett, Matthews, Tobin J, Tuttle, Watson.

Yes, 86; No, 58; Absent, 7; Excused, 0.

86 having voted in the affirmative and 58 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** in concurrence.

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

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

**MATTER PENDING RULING**

An Act to Implement Maine's System of Learning Results  
(S.P. 582) (L.D. 1760)  
(C. "A" S-303)

TABLED – June 7, 2001 by Speaker SAXL of Portland.  
**PENDING – RULING OF THE CHAIR.**

The **SPEAKER**: The chair has considered the question of the Representative from Bridgton, Representative Waterhouse, as to the constitutionality, and thus propriety, of LD 1760 under Rule 107 of the House Rules of the 120th Legislature.

The question before the chair is specifically whether LD 1760 is a mandate as defined in the Maine Constitution, and would thus require a two-thirds vote for enactment, Constitution of Maine, Article 9, Section 21. According to House Rule 522, "The rules of parliamentary practice comprised in *Mason's Rules* govern the House in all cases in which they are applicable and in which they are not consistent" with the rules of the House and the Joint Rules. In this case, where a member seeks a ruling upon the constitutionality of a bill, Section 578, paragraph 6 of *Mason's Rules* states, "It is not the right of the presiding officer to rule upon the constitutionality of bills, because that authority belongs to the House." Therefore, the chair shall not rule upon the constitutionality, and thus propriety, of LD 1760.

However, the chair shall give some guidance regarding this matter. Although the determination of constitutionality is for the House to decide through your vote on this bill, the Office of Fiscal and Program Review, pursuant to Joint Rule 312, "has the sole responsibility for preparing all fiscal notes," and thus the sole responsibility for attaching any mandate preamble if one is needed in their judgment. OFPR attached a fiscal note to LD 1760 that you may use for guidance. However, OFPR did not attach a mandate preamble to the bill.

The pending question before the House is passage to be enacted.

Pursuant to paragraph 6 of Section 578 of *Mason's Manual*, the Chair did not rule on the constitutionality of this bill.

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

**ROLL CALL NO. 386**

**YEA** - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Kane, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Smith, Stanley, Tarazewich, Tessier, Tobin D, Tracy, Tuttle, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Annis, Ash, Buck, Canavan, Carr, Chase, Cressey, Dorr, Dugay, Duncan, Duprey, Foster, Goodwin, Haskell, Jodrey, Kasprzak, Labrecque, Laverriere-Boucher, MacDougall, Marrache, Mendros, Michael, Muse K, Nass, Paradis, Perkins, Pinkham, Sherman, Simpson, Skoglund, Snowe-Mello, Stedman, Sullivan, Thomas, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Wheeler EM.

**ABSENT** - Blanchette, Jones, Koffman, Landry, Lovett, Matthews, O'Brien LL, Tobin J, Watson.

Yes, 101; No, 41; Absent, 9; Excused, 0.

101 having voted in the affirmative and 41 voted in the negative, with 9 being absent, and accordingly 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:

**ORDERS**

On motion of Representative **GOODWIN** of Pembroke, the following Joint Order: (H.P. 1374)

**ORDERED**, the Senate concurring, that Bill, "An Act to Repeal the Presidential Preference Primary Elections," H.P. 960, L.D. 1273, and all its accompanying papers, be recalled from the legislative files to the House.

The Joint Order was **READ**.

The Chair ordered a division on **PASSAGE**.

Representative **GOODWIN** of Pembroke **REQUESTED** a roll call on **PASSAGE**.

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

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

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

**ROLL CALL NO. 387**

**YEA** - Andrews, Baker, Belanger, Berry RL, Bliss, Bouffard, Brannigan, Bryant, Buck, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, McDonough, McGlocklin, McGowan, McKee, McKenney,

McLaughlin, Michaud, Mitchell, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Annis, Ash, Bagley, Berry DP, Bowles, Brooks, Bruno, Bull, Bumps, Clough, Crabtree, Cressey, Daigle, Davis, Desmond, Duprey, Foster, Honey, Ledwin, MacDougall, Madore, Marrache, Mayo, McNeil, Mendros, Michael, Morrison, Murphy E, Nass, Nutting, O'Brien JA, Peavey, Schneider, Shields, Snowe-Mello, Tessier, Trahan, Treadwell.

**ABSENT** - Blanchette, Jones, Koffman, Landry, Lovett, Matthews, Muse K, Tobin J, Watson.

Yes, 104; No, 38; Absent, 9; Excused, 0.

104 having voted in the affirmative and 38 voted in the negative, with 9 being absent, and accordingly the Joint Order was **PASSED** and sent for concurrence.

On motion of Representative NASS of Acton, the House **RECONSIDERED** its action whereby An Act to Require Election Law Training to Voter Registrars and Clerks

(H.P. 483) (L.D. 623)  
(S. "A" S-326 to C. "A" H-503)

**FAILED PASSAGE TO BE ENACTED.**

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate your indulgence in this. Unfortunately when the vote was taken a little while ago, the committee was not here to perhaps explain to you why you might want to reconsider your vote and vote in favor of this. We had a number of election laws before our committee. I think to me this was the most important. We heard a lot of criticism about the way various communities here in Maine run their elections. Ninety percent of any mistakes that are made are made because of lack of training. Last year Legal and Veterans Affairs passed a bill that said clerks and registrars ought to take some training. This year we said you shall. Yes, we mandated that training is now necessary. One of the most important reason for that training is that tweak with these bills every two years. We also have some confusion that comes with these. I am concerned that there is a mandate. For those of you who look at that issue and never vote to pass a mandate, I will tell you that this came out of committee, we discussed it and there was not a mandate clause on the bill. The Secretary of State's Office will be holding these training sessions regionally, free of charge, to municipalities, because of that, we did not feel it needed this mandate clause. Again, training is an essential part of running our elections the way we have set up our rules and regulations to do so. We have good rules and regulations. They handle all of the problems that come up. You just need to know what you are doing and in order to know what you are doing you need training. Thank you Mr. Speaker.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I served on Legal and Veterans Affairs for six years. This has always been a question that has been brought before us, the question of training and preparation of the people who run our elections locally, as the good Representative from Gorham mentioned a few moments ago. We discussed it last term. It started out as a requirement to have the training. We made it a less than requirement because of the question of the

cost. The Secretary of State's Office will swallow the cost by having regional meetings. It is an essential, I believe, to train these clerks. Maine Municipal Association, as I understand it, is not adverse to the idea. In fact, they are supportive of it. I do encourage all of you to support the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. The good Representative from Gorham, Representative Labrecque has it exactly right. This is something that we need to do and I support her 100 percent. I would recommend that you follow her light. Thank you.

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

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

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. For anyone who can answer, is the regional training taking into consideration the urban and rural differences from those who have voting machines and those who do not so that the training will actually zero on what each clerk needs from those areas?

The **SPEAKER**: The Representative from Montville, Representative Weston has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I am glad the good Representative did ask that question because I did make it apparent that before we pass this bill that they would promise that they would make sure that that particular instance would be taken care of. That was one of the initial concerns of the Maine Municipal Association, but based upon the amended version, Maine Municipal is supportive of this bill as it is amended and it will take care of the good Representative's concerns.

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. The concern I have is a small town of 90 or 100 people that has a part-time clerk or registrar who probably works another job and would have to take a day off from work to go to this or would have to be paid in some way by that municipality. Does the Secretary of State reimburse that town for that payment or would we be passing this onto the smaller towns?

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 Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question of the Representative from Lewiston, it would be no. The Secretary of State's Office is not charging for these and there has at time, in the past, been a charge. One thing that I would add to what was said by the Representative from Gorham, is that currently about 50 percent of the Clerks and Registrars do not, I would repeat, do not attend. This is the problem that we are starting to experience with the enforcement of the rules and regulations pertaining to voting. We have got to do a better job and this is the only method that the committee has been able to come up with.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. As the good chair of the Elections Committee, I strongly support passage of this mandate that is before you now. Second, all the comments you have heard, especially those of the good Representative from Gorham, Representative Labrecque who joined with myself, Representative Mayo, Representative Schneider, Representative LaVerdiere and others last fall as we worked trying to resolve and resolving the issues related to House District 121 and House District 137. In the end, we were able to seat Representative Haskell from Milford. I think a lot of the problems we went through and a lot of the issues we heard about during our deliberations could easily have been avoided had this training taken place. I strongly urge you to support this. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I join with my colleague from Harpswell in asking you to vote in favor of this. I also was on the Election Committee that had to look at a number of issues, one of which was the problem with District 121 and District 137. I also want to remind you that many of you had the opportunity to vote against the bill that I put forth the other night. I thank the 19 of you that voted with me. The rest of you all voted the way you did because you believe that the clerks and the registrars already have the authority to take care of any problems in the polling place. I ask you now to come forward and give them the necessary training so that they can fulfill the job that you have assigned to them. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I realize the subject we are discussing here is something that was of major concern to me a couple of years ago. As many of you know, I went through a recount here and I have 30 some odd very, very small towns stretching all over eastern Maine. Both my opponent and I were very pleased to see the folks going through that process. It was quite evident at that time two years ago that there were 30 different sets of rules being applied to how these things occur. It is not to the detriment of those good folks that are doing the work. The problem is the training was not available and there was a cost attached to it. I would ask all the folks in this room to try to support our local people in being able to access training so that they can do the job correctly and also when there is concerns that something was done improperly, they at least are armed with the right information necessary to make the decision at the time that it has to be made. Many of you know these decisions have to be made on split second decision and if they are not appealed or objected to at that moment, they are null and void essentially. Please give these guys the tools necessary and the training that we all want them to have and support this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Since I missed the debate and the information that was shared on this bill in previous discussions on the floor, could I ask what the enforcement provision is in this bill to make sure this is carried out?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I think the main thing is the encouragement, the knowing that the regional sessions are going to be often regional and encouragement in close proximity to where those classes are going to be. We are hoping that we would get compliance through encouragement.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Kossuth Township, Representative Bunker, mentioned that this would make these classes available. I think I just heard the good Representative from Sanford, Representative Tuttle, say that through encouragement we would get compliance. I am confused about what the word require means. If these are free courses or classes and we are encouraging the people to take these out in the communities. I am still confused as to why this has to be a requirement written in state law? Why can't we just encourage people to take these and let them know that they are available free of cost? Could somebody answer that question?

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Essentially if you look at the bill it repeals Section 21A, which states the Secretary of State shall encourage municipalities to provide biennial training to all election officials. It adds a new section, which requires that municipal clerks will attend training sessions that are approved by the Secretary of State at least once every two years in regards to the conducting of the elections. I hope that answers the question.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Haskell.

Representative **HASKELL**: Mr. Speaker, Men and Women of the House. I think in answer to that question that Representative Perkins just asked was it might be that many of our town clerks sincerely believe that they are capable. They do know all the answers. In one of my towns, the town manager and the town clerk have stated that they do not need these training courses. They are totally capable. In this same town today a candidate from a local election if filing for a recount and an inspection because of some serious voting errors that took place there. Maybe the training is costly, but this recount won't be cheap either. Thank you.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 30 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Require Full Disclosure of Prescription Drug Marketing Costs

(H.P. 778) (L.D. 1022)  
(S."A" S-304 to C."A" H-517)

**PASSED TO BE ENACTED** in the House on June 6, 2001.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative KANE of Saco moved that the House **ADHERE**.

On motion of Representative WATERHOUSE of Bridgton, the House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

Resolve, to Improve Child Development Services

(H.P. 611) (L.D. 766)  
(C."A" H-662)

**FINALLY PASSED** in the House on June 8, 2001.

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative KANE of Saco, the House voted to **ADHERE**.

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

**Non-Concurrent Matter**

Bill "An Act to Restore an Injured Employee's Right to Sue an Employer for Damages"

(H.P. 302) (L.D. 380)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525) AS AMENDED BY HOUSE AMENDMENT "A" (H-702)** thereto in the House on June 7, 2001.

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

Representative BUNKER of Kossuth Township moved that the House **ADHERE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

Representative DUNLAP of Old Town **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. 388**

**YEA** - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Chizmar, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lundeen, MacDougall, Madore, McGowan, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting,

O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

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

**ABSENT** - Blanchette, Carr, Colwell, Crabtree, Koffman, Landry, Lovett, Matthews, Mitchell, O'Brien LL, Perry, Tobin J, Watson.

Yes, 61; No, 77; Absent, 13; Excused, 0.

61 having voted in the affirmative and 77 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

**Non-Concurrent Matter**

Bill "An Act to Provide Parity of Representation in Workers' Compensation Claims"

(H.P. 1130) (L.D. 1527)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)** in the House on June 7, 2001.

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

Representative BUNKER of Kossuth Township moved that the House **ADHERE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

Representative CLARK of Millinocket **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. 389**

**YEA** - Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Chick, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Etnier, Fisher, Foster, Fuller, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Savage, Schneider, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

**NAY** - Bagley, Baker, Berry RL, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache,

McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Neil, Paradis, Patrick, Pineau, Quint, Richard, Richardson, Rines, Sherman, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

ABSENT - Blanchette, Bouffard, Carr, Crabtree, Koffman, Landry, Lovett, Matthews, O'Brien LL, Perry, Tobin J, Watson.

Yes, 66; No, 73; Absent, 12; Excused, 0.

66 having voted in the affirmative and 73 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

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

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

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On motion of Representative BUCK of Yarmouth, the House adjourned at 4:40 p.m., until 9:00 a.m., Wednesday, June 13, 2001.