

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
71st Legislative Day
Thursday, June 21, 2001

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

Prayer by Honorable Elaine Fuller, Lector at St. Matthew's Church, Hallowell.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

ORDERS

On motion of Speaker SAXL of Portland, the following Joint Resolution: (H.P. 1390) (Under suspension of the rules, cosponsored by President MICHAUD of Penobscot and Representatives: BRUNO of Raymond, COLWELL of Gardiner, NORBERT of Portland, SCHNEIDER of Durham, Senators: President Pro Tem BENNETT of Oxford, DAGGETT of Kennebec, DAVIS of Piscataquis, SMALL of Sagadahoc, TREAT of Kennebec)

JOINT RESOLUTION IN HONOR OF SENIOR LEGISLATIVE ANALYST JON CLARK, ESQ.

WHEREAS, Jon Clark, Esq. joined the Maine Legislature's nonpartisan Office of Policy and Legal Analysis in 1990. He was first employed as a Legislative Analyst and later was promoted to Senior Legislative Analyst; and

WHEREAS, Jon Clark provided legal and policy analysis for the Office of Policy and Legal Analysis and the joint standing committees of the Legislature for 11 years and served the Legislature with professionalism, dedication and distinction; and

WHEREAS, after 11 years, Jon Clark is leaving the legislative staff to pursue other career and personal interests; and

WHEREAS, Jon Clark's contributions to the work of the Maine Legislature include 10 years as staff, including as legal counsel, to the Joint Standing Committee on Utilities and Energy, 4 years as staff to the Joint Standing Committee on Inland Fisheries and Wildlife, one year as staff to the Joint Standing Committee on Legal and Veterans Affairs and one year as costaff to the Joint Standing Committee on Criminal Justice. Jon also served as legal counsel to several natural resources committees and provided staff support to numerous study commissions; and

WHEREAS, during his years of staffing to the Joint Standing Committee on Utilities and Energy, particularly on matters pertaining to the deregulation of the electric energy industry, Jon Clark demonstrated the highest degree of excellence and skills in all matters relating to his work, including his legal work and legislative drafting on Legislative Document 1804, "An Act to Restructure the State's Electric Industry," that later was enacted into law as Public Law 1997, chapter 316; and

WHEREAS, during his tenure, Jon Clark was noted for his substantive knowledge, legal analysis and writing ability and served as an example of the highest standards of nonpartisan policy and legal analysis; 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 Jon Clark to commend him for his long and exceptional career with the nonpartisan legislative staff and his service to the Maine Legislature and to extend to him our best wishes for much success and happiness in his new pursuits; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Jon Clark in honor of this occasion.

READ and ADOPTED.

Sent for concurrence.

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1391)

WHEREAS, individuals from out of state have recently purchased large tracts of land in the State, including a recent purchase of over 20,000 acres of land in the unorganized territory around Moosehead Lake, known as the Township of East Middlesex; and

WHEREAS, there is a long, historic, traditional relationship between landowners and holders of recreational and seasonal leases of camp lots; and

WHEREAS, there is a long history and tradition of public access along private roads, recreation trails and rights-of-way to great ponds; and

WHEREAS, one landowner is now terminating and restricting the existing leases on that individual's land and may close off all public access to the land; and

WHEREAS, such a shift in the traditional relationship between a person leasing a camp lot in the woodlands and wildlands of the State and the landowner may have a negative economic impact on the State; and

WHEREAS, this joint order establishes the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, which is charged with the duties of assessing the economic and societal impact of the elimination and restriction of camp lot lease arrangements in the State and of developing a plan to address this problem; and

WHEREAS, the Legislature would benefit from a study of these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands is established as follows.

1. Committee established. The Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 7 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on State and Local Government or the Joint Standing Committee on Natural Resources;

B. Three members of the House of Representatives, appointed by the Speaker of the House, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Judiciary;

C. The Commissioner of Conservation or the commissioner's designee is invited to participate as a member of the committee; and

D. The Governor is invited to appoint one representative from the Maine Land Use Regulation Commission.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following the passage of this order. The Executive Director of the Legislative Council must be notified by the appointing authorities once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the economic and societal impact of the termination of camp lot lease arrangements and of the public enjoyment of state lands, including the lands of the unorganized territories, and develop a plan to preserve the traditional camp lot lease arrangements in and public enjoyment of state lands.

A. In conducting the study, the committee shall:

- (1) Review the history of and recent changes to camp lot lease arrangements in state lands, including those of the unorganized territories;
- (2) Review the history of public enjoyment of and access to state lands, including those of the unorganized territories, examining the economic impact of the termination of camp lot leases and of the loss of public enjoyment of those lands;
- (3) Assess the economic impact of attempts to circumvent Maine tax law by avoidance of real estate transfer taxes and maintenance of land for tree growth, thereby paying only tree growth taxes; and
- (4) Research issues of colonial law and any other legal implications arising in this context.

B. The committee shall develop a plan to:

- (1) Encourage the preservation of the traditional camp lot lease arrangements in the state lands being purchased by private individuals;
- (2) Ensure just compensation for individuals whose camp lot leases are terminated;
- (3) Preserve public enjoyment of state lands being purchased by private individuals; and
- (4) Ensure adherence to Maine tax law.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, including the plan required by subsection 5 of this order, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than November 1, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses

that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

READ.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **PASSAGE**.

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE** and later today assigned. (Roll Call Ordered)

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

Joint Resolution Establishing the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands.

(H.P. 1391)

Which was tabled by Representative COLWELL of Gardiner pending **PASSAGE**. (Roll Call 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.

ROLL CALL NO. 443

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Collins, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy T, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Quint, Rines, Savage, Sherman, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Berry DP, Bruno, Chase, Clough, Cressey, Davis, Duncan, Duprey, Glynn, Kasprzak, MacDougall, Mendros, Michael, Nass, Nutting, Pinkham, Rosen, Schneider, Shields, Stedman, Treadwell, Waterhouse, Weston, Wheeler EM.

ABSENT - Bagley, Brooks, Buck, Bunker, Carr, Clark, Cote, Crabtree, Daigle, Estes, Gagne, Haskell, Hawes, Labrecque, Landry, Lovett, Madore, Morrison, Murphy E, Muse K, Peavey, Perry, Povich, Richard, Richardson, Skoglund, Smith, Watson.

Yes, 99; No, 24; Absent, 28; Excused, 0.

99 having voted in the affirmative and 24 voted in the negative, with 28 being absent, and accordingly the Joint Order was **PASSED** and sent for concurrence.

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1386)

WHEREAS, employees in Maine experience family and medical challenges that impose stress on the employee and the employee's family; and

WHEREAS, stress on the employee and employee's family generates the potential for difficulties in the workplace, to the detriment of the employee and the employer; and

WHEREAS, family and medical leave programs have impacts on employers; and

WHEREAS, information is needed regarding the potential benefits and costs of providing paid medical leave; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families is established as follows.

1. Committee established. The Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 15 members:

A. Seven members appointed by the President of the Senate as follows:

- (1) One Senator;
- (2) One representative of employers in the health care industry;
- (3) One representative of employers in the insurance industry;
- (4) One representative of municipal employers; and
- (5) Three members representing labor, women's groups and senior citizens;

B. Six members appointed by the Speaker of the House of Representatives as follows:

- (1) One member of the House of Representatives;
- (2) One representative from the low-income advocacy field;
- (3) One representative of a child care organization;
- (4) One parent or educator; and
- (5) Two members of the business community, one representing a large business and one representing a small business; and

C. The President of the Maine State Chamber of Commerce or the president's designee.

The Commissioner of Labor or the commissioner's designee is requested to participate as a member of the committee.

The Senator and the member of the House of Representatives may not be members of the same political party.

3. Chairs. The Senate member is the Senate chair of the committee and the House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the benefits and costs of providing family and medical leave benefits.

A. In conducting the study, the committee shall examine:

- (1) The expected number of employees who would use paid family and medical leave;
- (2) The percentage of family and medical leaves of absence that employers currently fund in full or in part;
- (3) The impact of implementing a state program of paid family and medical leave on these employer policies;
- (4) The impact of providing paid family and medical leave on other state-funded programs,

including temporary assistance for needy families, unemployment compensation and Medicaid payments to nursing homes;

(5) The public health costs of not providing paid family and medical leave, including the frequency and cost of deferring medical treatment and the impact on infant care;

(6) The impact on employers of providing paid family and medical leave, including the impact on overall employment, retention, recruitment and training costs and productivity; and

(7) The feasibility of providing paid family and medical leave through existing systems, such as unemployment compensation, or through alternative systems, such as a state temporary disability insurance program or a family and medical leave insurance fund.

B. In examining the issues set out in paragraph A, the committee may hold up to 4 meetings. At those meetings, the committee may:

- (1) Hold informational sessions for discussions with knowledgeable persons;
- (2) Conduct, summarize and analyze the results of a literature search;
- (3) Procure and analyze relevant data;
- (4) Conduct legal research and prepare opinions on legal questions within the scope of the study; and
- (5) Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee only if sufficient outside funds are received for this purpose in accordance with section 9 of this order.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget; grants. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds. The chairs of the committee may seek and accept grants and other outside funding on behalf of the committee. Prompt notice of solicitation and acceptance of such funds must be sent to the Legislative Council. All funds accepted must be forwarded to the executive director, along with

an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The executive director administers any funds received.

READ.

Representative WATERHOUSE of Bridgton **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.

ROLL CALL NO. 444

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Chick, Chizmar, Colwell, Cowger, Cummings, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Norbert, Norton, O'Brien LL, Paradis, Patrick, Pineau, Povich, Quint, Rines, Simpson, Skoglund, Sullivan, Tarazewich, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, McKenney, Mendros, Murphy T, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Buck, Bunker, Carr, Clark, Cote, Crabtree, Daigle, Dorr, Estes, Gagne, Haskell, Hawes, Labrecque, Landry, LaVerdiere, Lovett, Marrache, Mitchell, Morrison, Murphy E, Muse C, Muse K, O'Brien JA, O'Neil, Peavey, Perry, Richard, Richardson, Savage, Sherman, Smith, Stanley, Tessier, Treadwell, Tuttle, Watson.

Yes, 70; No, 44; Absent, 37; Excused, 0.

70 having voted in the affirmative and 44 voted in the negative, with 37 being absent, and accordingly the Joint Order was **PASSED**.

Sent for concurrence.

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1385)

WHEREAS, there is tremendous concern that the existing child protective laws and system are not adequately and consistently protecting the children they were designed to serve; and

WHEREAS, families and other participants in the system believe their rights and interests are not adequately and consistently taken into account; and

WHEREAS, the Legislature would benefit from a study of issues relating to the existing child protective laws and system; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Review the Child Protective System is established as follows.

1. Committee established. The Committee to Review the Child Protective System, referred to in this joint order as the "committee," is established.

2. Committee membership. The committee consists of the following 11 members:

A. Two members of the Senate, appointed by the President of the Senate;

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives;

C. An attorney who has experience representing parents in child protective cases, appointed by the President of the Senate;

D. An attorney who has experience serving as a guardian ad litem in child protective cases, appointed by the Speaker of the House of Representatives;

E. An advocate for children, appointed by the President of the Senate;

F. A current or former foster parent, appointed by the Speaker of the House of Representatives;

G. A court-appointed special advocate volunteer, appointed by the President of the Senate; and

H. A caseworker or supervisor employed by the Department of Human Services. The Commissioner of Human Services is requested to designate the caseworker or supervisor to be a member of the committee.

The Chief Justice of the Supreme Judicial Court is requested to designate a District Court Judge to participate with the committee.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this joint order. The appointing authorities shall notify the Executive Director of the Legislative Council once the selections have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the child protective system and make recommendations for changes in laws, rules and procedures.

A. In conducting the study, the committee shall examine the following issues:

(1) Information about rights and future proceedings that should be given to parents at every stage of the child protective process;

(2) The availability of information in the possession of the Department of Human Services to parents and their attorneys, and the timing and extent of discovery;

(3) The accurate preservation of interviews involving employees of the Department of Human Services, communications with employees of the Department of Human Services and communications involving parents, including the reliability of the preservation and appropriate use of the communications;

(4) The appropriate role of intervenors; who, if anyone, should have automatic intervenor status; who should be permitted to apply for intervenor status; and

what criteria the court should use in determining whether to grant intervenor status;

(5) The determination of the best interest of the child, while balancing the child's safety and privacy interests with the public's interest in openness in governmental actions and records, particularly with regard to termination of parental rights hearings;

(6) The appropriate standard of proof that the State must bear at each stage of child protection proceedings;

(7) The role of and requirements that apply to guardians ad litem and the extent to which guardians ad litem are fulfilling their responsibilities;

(8) The liability of the State, the Department of Human Services and employees of the Department of Human Services, either as a governmental entity or personally, for removal of children from their homes or other actions when such actions are overturned by the court as erroneous or unnecessary;

(9) The mandatory reporting laws concerning child and adult abuse and neglect; the consequences of failing to report; and the State's role in educating the public about reporting child abuse and neglect; and

(10) Any other issues the committee determines appropriate.

B. In examining these issues, the committee may:

(1) Hold a public hearing;

(2) Hold informational sessions for discussions with knowledgeable persons;

(3) Review laws, procedures and activities in other jurisdictions; and

(4) Carry out other activities relevant to the purposes of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may introduce legislation related to the report to the Second Regular Session of the 120th Legislature. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

READ and PASSED.

Sent for concurrence.

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 Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities (MANDATE)

(H.P. 982) (L.D. 1306)

(C. "A" H-667; S. "A" S-384)

TABLED – June 20, 2001 (Till Later Today) 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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 445

YEA - Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Colwell, Cowger, Cummings, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Gooley, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Norton, O'Brien LL, Paradis, Perkins, Pineau, Povich, Quint, Rines, Rosen, Schneider, Simpson, Skoglund, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Berry DP, Bowles, Bruno, Chase, Clough, Collins, Cressey, Davis, Duprey, Foster, Glynn, Goodwin, Heidrich, Honey, Jodrey, MacDougall, McKenney, Mendros, Michael, Murphy T, Nass, Norbert, Nutting, Pinkham, Shields, Snowe-Mello, Trahan, Waterhouse.

ABSENT - Andrews, Bagley, Buck, Bunker, Carr, Clark, Cote, Crabtree, Daigle, Dorr, Estes, Gagne, Haskell, Hawes, Labrecque, Landry, LaVerdiere, Lovett, Marrache, Mitchell, Morrison, Murphy E, Muse C, Muse K, O'Brien JA, O'Neil, Patrick, Peavey, Perry, Richard, Richardson, Savage, Sherman, Smith, Stanley, Stedman, Tessier, Treadwell, Tuttle, Watson.

Yes, 83; No, 28; Absent, 40; Excused, 0.

83 having voted in the affirmative and 28 voted in the negative, with 40 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED.**

Representative NORBERT of Portland moved that the House **RECONSIDER** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED** and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License

(S.P. 208) (L.D. 773)

PASSED TO BE ENACTED in the House on April 30, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-47)**)

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

The House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

An Act Regarding Uninsured Drivers

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

PASSED TO BE ENACTED in the House on June 13, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "B" (S-397)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

ENACTORS

Emergency Measure

An Act Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs

(H.P. 1382) (L.D. 1830)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits (EMERGENCY)

(H.P. 94) (L.D. 98)

(S. "A" S-394 to C. "A" H-133)

PASSED TO BE ENACTED in the House on June 20, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (S.C. 392)

SENATE OF MAINE

OFFICE OF THE SECRETARY

3 STATE HOUSE STATION

AUGUSTA, ME 04333-0003

June 21, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

120th Maine Legislature

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 322 Legislative Document 1090 "An Act to Repeal the Requirement that School Employees be Fingerprinted," together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

16 voted in favor and 17 against, accordingly it was the vote of the Senate that the bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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 Enhance Penalties for Use of Illegal Gambling Machines

(S.P. 480) (L.D. 1544)

(S. "A" S-395 to C. "A" S-228)

TABLED – June 20, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING – PASSAGE TO BE ENACTED.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. This is the bill that we set aside last night. I can see the chair is not in his seat. Last I had heard he was inquiring of the Attorney General if this bill did some things that they didn't want to. I hope someone would table this.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I have done a little bit of research on the bill. I initially did have some concerns with the way the bill had been amended before final enactment, but I have had communications with the Attorney General's Office and also legal staff about the present bill. It does meet constitutional and the muster of which a majority of the committee had requested.

The original bill established the Harness Racing Lottery Game to assist the Harness Racing Industry, which had been amended in the previous body. What the present bill does is it defines the legal gaming machines and provides that the illegal gambling machines and the monetary contents are subject and seizure and forfeiture in both civil and criminal proceedings. The problem is the way the law is presently written that if those machines are confiscated when the fine is paid, the machines are automatically returned. We have the State Police going back to the same situation time after time after time seizing those machines and once the fine is paid they go back. I am a member of a number of organizations who have been over the years. I think that we have to be very cognizant that illegal activity is illegal activity.

I received a memo from the State Police and I would like to share it with you. He said, "The manner in which illegally operated gaming machines are investigated and seized is extremely cumbersome, time consuming and difficult. The law, as it stands now, allows for a large gray area in which the distributors and operators of these devices know how to circumvent it. We have found that most frivolous violations occurred deliberately rather than as an oversight. This new provision would allow us to address criminal intent much more

directly. Currently there is no civil or criminal forfeiture statute governing illegal gambling machines. These devices must be returned to the defendant in unlawful gambling cases even upon conviction. As I had mentioned before, on occasion, the unit has seized machines at facilities for violations that still bear the evidence tags from the prior seizure. Right now some violators view this as merely the cost of doing business. The new statute, as proposed, would raise the consequences in this sense. Gambling cases are required to have the same standard of proof beyond a reasonable doubt as all police methods are employed to identify and to prosecute offenders. This proposal would be a meaningful advancement towards controlling unlawful gambling in Maine". As I said before, I did check with the Attorney General's Office and I did check with legal council and they would agree with that statement. For that reason, I would ask that you would adopt the bill and vote for enactment. Thank you Mr. Speaker.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. This bill certainly has a noble notion, but it misses its mark. If we were going to take the illegal gambling machine away from the place that uses it, that is fine. Fine the people who use it illegally, that is fine too. What this does, however, is if you own a business that leases our video games, which is what these gambling machines are. They are legal licensed video games. You own that machine and you lease it to my shop and I pay out and do illegal activities in my shop with your machine and I am convicted of that, you lose your machine. I think that is what is wrong. You haven't done anything wrong. I would be the one breaking the law. I would be the one doing the payout. I would be the one doing the illegal activity. I would be the one that should be fined. Fine more excessively if it is seen as the cost of doing business. For you to license a machine legally in the State of Maine and then have it confiscated because someone you leased it to is breaking the law, I don't think it is proper.

You could come after me on that and make me pay you back for the cost of that machine, but I am probably an unscrupulous business character if I am doing this and doing this illegally. You are going to have a tough time getting your money from me. In this situation I put you in, you are the person who runs a business leasing these machines out and you are the one being punished for the crimes of somebody who used your machine illegally. This would be, in my opinion, on par with, if you were driving drunk in a rented car, we are going to take that car away because you were doing an illegal activity with their legally licensed machine. I urge you to defeat the pending motion.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I am sorry I didn't rise before. The bill that is before us now comes from an appropriations supplement. This bill has gone through both bodies, went to the Appropriations Table and at the Appropriations Table an amendment was added. Senate Amendment "A" (S-395) to Committee Amendment "A" (S-228) in the summary it says, "This amendment strikes the language that establishes the Harness Racing Purse Fund. It strikes the language that requires the State Harness Racing Commission to develop and initiate a harness racing lottery game. It strikes the language that allows the Maine State Lottery Commission to appropriate funds to the Harness Racing Purse Fund from the State Lottery Fund and strikes the allocations section." After the Part II Budget was passed out of the committee, this was an item with a large price tag that remained on the Appropriations Table. There was little chance of any passage. Thank you Mr. Speaker.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the informative remarks of the good gentleman from Livermore. I hope that this bill has little chance of passage, but I think we should do our job today and kill it here on the floor. I am more than a little bit disappointed that this bill didn't find its way to the Committee on Judiciary or the Committee on Criminal Justice, which specializes in looking at the relationship between crime in the state and abstract questions of legal matters whereas the Legal and Veterans Committee deals with morality and such things including harness racing, which is exactly what they should deal with because they are very good at it. This bill has nothing to do with harness racing anymore. The part about the gaming machines and changing the penalties was kind of an afterthought in the bill and now it is the essence of this bill. It alters our relationship with private property in this state and the way the government confiscates forfeited assets or called asset forfeiture. This is an issue that is hot in the United States. There has been initiatives and referendums around the country reforming the messes that the Legislatures have put into place. I can tell you that Utah an extremely conservative state and Oregon an extremely liberal state both passed by 70 percent this last election reforms on this kind of stuff and now we are setting into place an arrangement where someone who leases gaming machines, jukeboxes as well as legally licensed, \$65 a month license fee machines from the state, that someone else might abuse. Someone comes and takes your machine. It is absolutely absurd and, notwithstanding the likelihood that it will get killed on the Appropriations Table, I hope that we would clean this up here. There are other opportunities for abuse with this.

Let's say my brother-in-law runs a distributorship. It distributes jukeboxes and different kids game and things to the retail outlets. I go and I lease a gambling machine from his competitor because the penalties are so weak there is every incentive for me to go and get caught illegally gambling. I would pay a small penalty and they come and steal my brother-in-law's competitor's machines. That is the kind of thing that happens in gambling, by the way. It is the kind of thing we should be vigilant in watching against. I would be happy to take a bill like this and increase the penalties and punish those who are illegally gambling, but it doesn't do that. It makes a drastic change in the relationship of private property in this state and the government's ability to seize it. I am sorry that we didn't catch it till the end. I didn't realize it until someone else pointed it out to me. This was a harness racing bill and now it is a Criminal Justice or Judiciary bill and it is beyond me why we would pass this without examining it further.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Just as a brief point of clarification, many of the arguments that the good Representative from Auburn, Representative Michael says, I agree with personally, but just as a point of information to disagree with, illegal gambling machines have always been handled by the Committee on Legal and Veterans Affairs. The issue has been handled for the last 20 years while I have been here, but many of the arguments, I can agree with him and I understand what he is saying, but as we have said before, I think that based upon the information that has been given to me by the Attorney General's Office and legal council, I am recommending that we have enactment of this bill right now.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I don't mean to prolong this, I just want to clarify something. I think I may have been misunderstood earlier. I checked with my seatmate and maybe it didn't come out the way I meant it to come out. This bill now will not go back to the Appropriations Table. The bill as it sat on the Appropriations Table before was not in line to receive funding. The language that is in there is before you. I just wanted to clear that up. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I agree that we need to do something about these gambling machines, but with the famous quote from Captain Kirk, "You keep missing your mark." That is what we are doing here. Let's increase the fines for the people that are breaking the law and using the machines illegally and not punish the people who are already being exploited.

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. 446

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKenney, McLaughlin, McNeil, Michaud, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Rines, Savage, Schneider, Sherman, Shields, Simpson, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bryant, Bumps, Canavan, Chase, Clough, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Gooley, Haskell, Honey, Jodrey, Kasprzak, MacDougall, Madore, Marley, McKee, Mendros, Michael, Mitchell, Murphy T, Nutting, Perkins, Pinkham, Rosen, Skoglund, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bagley, Bowles, Buck, Bunker, Carr, Cote, Crabtree, Daigle, Estes, Gagne, Jones, Koffman, Labrecque, Landry, Lovett, McGowan, Morrison, Murphy E, Muse C, Muse K, O'Brien JA, Peavey, Richard, Richardson, Smith, Tessier, Watson.

Yes, 81; No, 43; Absent, 27; Excused, 0.

81 having voted in the affirmative and 43 voted in the negative, with 27 being absent, and accordingly the Bill 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:

ORDERS

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1389)

WHEREAS, the reimbursement rate for the cost of the handling of beverage containers by local redemption centers has not been increased since 1990; and

WHEREAS, this reimbursement rate is established in law by the Legislature; and

WHEREAS, the number and complexity of issues surrounding the handling and collection of returnable containers require the collection of additional data before an informed decision on a change in the rate for reimbursement of handling costs can be made; and

WHEREAS, the Legislature would benefit from a comprehensive study of reimbursement rates for container redemption businesses and other related issues; now, therefore, be it

ORDERED, the House concurring, that the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers is established as follows.

1. Committee established. The Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows:

- A. One member of the Senate, appointed by the President of the Senate;
- B. Two members of the House of Representatives, appointed by the Speaker of the House;
- C. Three members representing owners or operators of bottle redemption centers currently operating in the State, appointed by the President of the Senate;
- D. Two members representing bottling companies, one of whom represents microbreweries, appointed by the Speaker of the House;
- E. Two members representing beverage distributorships operating in the State, appointed by the President of the Senate;
- F. One member representing recycling firms operating in the State, appointed by the Speaker of the House;
- G. One member representing 3rd-party collection agents, appointed by the President of the Senate; and
- H. One member representing an association of grocery stores with membership in the State, appointed by the Speaker of the House.

3. Appointments; cochair. All appointments must be made no later than 30 days following passage of this joint study order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Senator named to the committee serves as Senate chair and the first named House member serves as House chair. When the appointment of all members is completed, the chairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed.

4. Duties. The committee shall study reimbursement rates for Maine's bottle redemption businesses and other issues related to the handling and collection of returnable containers. In examining these issues, the committee shall:

- A. Study the current operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is necessary and, if an increase is necessary, recommend the amount of the increase;
- B. Identify the interrelationships between beverage producers, distributors and redemption centers concerning the collection of returnable containers, review the current laws governing redemption centers and recommend any changes that will improve the

efficiency and effectiveness of current bottle redemption and collection processes;

C. Identify and investigate changes in technology relating to handling and recycling returnable containers that might assist bottle redemption centers in making their operations more efficient;

D. Consult with representatives of the Department of Economic and Community Development and the Finance Authority of Maine to identify programs and funding sources to assist redemption centers in upgrading their operations;

E. Investigate the nature and extent of fraudulent redemptions, review current state laws governing the illegal redemption of beverage containers not purchased in this State and make recommendations on ways to reduce or eliminate this activity; and

F. Consider whether or not the State should continue to set the reimbursement rate for redemption centers for handling costs.

5. Technical and staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee. The Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development, the Finance Authority of Maine and the State Planning Office shall provide technical assistance to the committee upon request by the chairs.

6. Reimbursement. Members of the committee who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

7. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

8. Report. The committee shall submit a report that includes its findings and recommendations including suggested legislation to the Joint Standing Committee on Business and Economic Development and the Legislative Council by December 5, 2001. Following receipt and review of the report, the Joint Standing Committee on Business and Economic Development may report out a bill to the Second Regular Session of the 120th Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension.

READ.

Representative WATERHOUSE of Bridgton **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.

ROLL CALL NO. 447

YEA - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps,

Canavan, Chick, Chizmar, Clark, Clough, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Fuller, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien LL, Paradis, Perry, Pineau, Povich, Quint, Rines, Savage, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Tuttle, Volenik, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Belanger, Berry DP, Chase, Collins, Cressey, Davis, Foster, Glynn, Goodwin, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, McKenney, Mendros, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Stedman, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Bowles, Buck, Bunker, Carr, Cote, Crabtree, Daigle, Estes, Gagne, Labrecque, Landry, Lovett, Morrison, Murphy E, Muse C, Muse K, O'Brien JA, O'Neil, Patrick, Peavey, Richard, Richardson, Smith, Tessier, Twomey, Usher, Watson.

Yes, 94; No, 29; Absent, 28; Excused, 0.

94 having voted in the affirmative and 29 voted in the negative, with 28 being absent, and accordingly the Joint Order was **PASSED**.

Sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance

(H.P. 70) (L.D. 79)

PASSED TO BE ENACTED in the House on May 17, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Promote Equity Among Health Care Clinics

(S.P. 128) (L.D. 404)

PASSED TO BE ENACTED in the House on March 30, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-15)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

(S.P. 132) (L.D. 456)

FINALLY PASSED in the House on May 21, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.
The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably
(S.P. 133) (L.D. 457)

PASSED TO BE ENACTED in the House on May 3, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Resolve, to Establish a Fatherhood Issues Study Commission
(H.P. 370) (L.D. 472)

FINALLY PASSED in the House on May 14, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87) AS AMENDED BY HOUSE AMENDMENT "A" (H-362)** thereto)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates Under the Medicaid Program
(H.P. 375) (L.D. 477)

PASSED TO BE ENACTED in the House on June 4, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Maintain Maine Quality Centers' Current Level of Services
(H.P. 570) (L.D. 725)

PASSED TO BE ENACTED in the House on May 14, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Amend the Maine Insurance Guaranty Association Act
(S.P. 268) (L.D. 915)

PASSED TO BE ENACTED in the House on May 24, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Expand Benefits Under the Elderly Low-cost Drug Program
(H.P. 742) (L.D. 961)

PASSED TO BE ENACTED in the House on May 21, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services
(H.P. 779) (L.D. 1023)

PASSED TO BE ENACTED in the House on May 14, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole
(H.P. 827) (L.D. 1081)

PASSED TO BE ENACTED in the House on May 21, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)** and **HOUSE AMENDMENT "A" (H-482)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Enhance Economic Development Capacity
(S.P. 337) (L.D. 1144)

PASSED TO BE ENACTED in the House on May 21, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Increase Certain Civil Process Fees

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

PASSED TO BE ENACTED in the House on May 17, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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

(H.P. 916) (L.D. 1230)

PASSED TO BE ENACTED in the House on May 14, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine

(H.P. 1102) (L.D. 1471)

PASSED TO BE ENACTED in the House on May 3, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Expand Research and Development Facilities within the University of Maine System

(S.P. 537) (L.D. 1668)

PASSED TO BE ENACTED in the House on May 8, 2001.
Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households (EMERGENCY)

(H.P. 29) (L.D. 29)

PASSED TO BE ENACTED in the House on April 5, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Fund the Endowment Incentive Fund (EMERGENCY)

(H.P. 33) (L.D. 42)

PASSED TO BE ENACTED in the House on May 14, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories

(H.P. 1161) (L.D. 1561)

PASSED TO BE ENACTED in the House on May 30, 2001.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Emergency Measure

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

(H.P. 94) (L.D. 98)

(C. "A" H-133)

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

Acts

An Act Regarding Uninsured Drivers

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

(S. "B" S-397 to C. "A" S-144)

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**.

ENACTORS
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Research and Development Equipment and Infrastructure

(S.P. 551) (L.D. 1709)
(S. "B" S-377 to C. "A" S-372)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 101 voted in favor of the same and 9 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities (MANDATE)

(H.P. 982) (L.D. 1306)
(C. "A" H-667; S. "A" S-384)

Which was **TABLED** by Representative NORBERT of Portland pending his motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

The Chair ordered a division on the motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

A vote of the House was taken. 100 voted in favor of the same and 9 against, and accordingly the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. The Education Committee has worked long and hard to do something for finding a method to help a very needy youth and a method of transitioning them from the correctional center into the schools. I hope that you would be very concerned about this. This bill requires the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from the juvenile correctional facilities. It also requires school superintendents to provide planning, which would include training for school personnel involved in this reintegration planning. The Education Committee considered this a very important bill for this particular population. I am hoping that you will give it your consideration and vote for it.

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.

ROLL CALL NO. 448

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, LaVerdiere,

Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Goodwin, Nass, Waterhouse.

ABSENT - Andrews, Bagley, Brooks, Buck, Bunker, Cote, Crabtree, Daigle, Davis, Estes, Gagne, Haskell, Labrecque, Landry, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Smith, Tessier, Watson, Young.

Yes, 122; No, 3; Absent, 26; Excused, 0.

122 having voted in the affirmative and 3 voted in the negative, with 26 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS
Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 30) (L.D. 30)
(H. "A" H-750 to C. "A" H-749)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

On motion of Representative **PERRY** of Bangor, the following Joint Resolution: (H.P. 1392) (Under suspension of the rules, cosponsored by Representatives: **ANNIS** of Dover-Foxcroft, **ASH** of Belfast, **BAGLEY** of Machias, **BAKER** of Bangor, **BELANGER** of Caribou, **BERRY** of Belmont, **BLANCHETTE** of Bangor, **BLISS** of South Portland, **BOUFFARD** of Lewiston, **BROOKS** of Winterport, **BRUNO** of Raymond, **BRYANT** of Dixfield, **BULL** of Freeport, **BUMPS** of China, **BUNKER** of Kossuth Township, **CANAVAN** of Waterville, **CARR** of Lincoln, **CHASE** of Levant, **CHICK** of Lebanon, **CHIZMAR** of Lisbon, **CLARK** of Millinocket, **CLOUGH** of Scarborough, **COLLINS** of Wells, **COLWELL** of Gardiner, **COTE** of Lewiston, **COWGER** of Hallowell, **CRABTREE** of Hope, **CRESSEY** of Baldwin, **CUMMINGS** of Portland, **DAIGLE** of Arundel, **DAVIS** of Falmouth, **DESMOND** of Mapleton, **DORR** of Camden, **DUDLEY** of Portland, **DUGAY** of Cherryfield, **DUNLAP** of Old Town, **DUPLESSIE** of Westbrook, **DUPREY** of Hampden, **ESTES** of Kittery, **ETNIER** of Harpswell, **FISHER** of Brewer, **FOSTER** of Gray, **FULLER** of Manchester, **GAGNE** of Buckfield, **GERZOFISKY** of Brunswick, **GLYNN** of South Portland, **GOODWIN** of Pembroke, **GOOLEY** of Farmington, **HALL** of Bristol, **HASKELL** of Milford, **HATCH** of Skowhegan, **HAWES** of Standish, **HEIDRICH** of Oxford, **HONEY** of Boothbay, **JACOBS** of Turner, **JODREY** of Bethel, **JONES** of Greenville, **KASPRZAK** of Newport, **KOFFMAN** of Bar Harbor, **LANDRY** of Patten, **LaVERDIERE** of Wilton, **LAVERRIERE-BOUCHER** of Biddeford, **LEDWIN** of Holden, **LEMOINE** of Old Orchard Beach, **LESSARD** of Topsham, **LUNDEEN** of Mars Hill, **MACDOUGALL** of North Berwick, **MADORE** of Augusta, **MAILHOT** of Lewiston, **MARLEY** of Portland, **MARRACHE** of

Waterville, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MENDROS of Lewiston, MICHAEL of Auburn, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MORRISON of Baileyville, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, MUSE of Fryeburg, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PERKINS of Penobscot, PINEAU of Jay, QUINT of Portland, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Buxton, Speaker SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SKOGLUND of St. George, SNOWE-MELLO of Poland, STANLEY of Medway, STEDMAN of Hartland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Windham, TOBIN of Dexter, TRACY of Rome, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WESTON of Montville, WHEELER of Bridgewater, WINSOR of Norway, YOUNG of Limestone)

JOINT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ISSUE A CERTIFICATE OF NEED TO EASTERN MAINE MEDICAL CENTER FOR A PET SCANNER

WHEREAS, We, the Members of the One Hundred and Twentieth Legislature, wish to express our significant concern over the recent decision by the certificate of need unit staff of the Department of Human Services to recommend that the Commissioner of Human Services disapprove a certificate of need application filed by Eastern Maine Medical Center in Bangor for a positron emission tomography, PET, scanner. At that time, they recommended approval of 2 other competing PET scanner applications, both of which originated outside the State; and

WHEREAS, the issuance of a certificate of need to Eastern Maine Medical Center for a PET scanner will benefit patients from northern and eastern Maine; and

WHEREAS, Eastern Maine Medical Center has a very large cancer program that treats patients from throughout eastern and northern Maine; and

WHEREAS, the primary use of the cost-effective and life-saving PET technology at this time is for cancer patients; and

WHEREAS, if the Commissioner of Human Services accepts the certificate of need unit staff recommendation and denies Eastern Maine Medical Center this technology, patients from northern and eastern Maine will either have no access to the PET technology or will have very limited access based on whatever time Eastern Maine Medical Center is able to contract from one of the other providers; and

WHEREAS, as well as for cancer patients, PET technology is increasingly being used for neuropsychiatry diagnoses; and

WHEREAS, Eastern Maine Medical Center's sister hospital, Acadia Hospital in Bangor, is also a center of excellence for behavioral health patients and they will have no, or very limited access, to the technology; and

WHEREAS, an argument the certificate of need unit staff uses is that the 2 other programs are mobile and can serve more than one site. The problem is that the nuclear material used in the PET scanner has a very limited shelf life. Once obtained in Massachusetts, it can not be transported any farther than Bangor or it will be ineffective. Consequently, a mobile unit will never be able to serve significantly more hospitals in eastern and northern Maine. In fact, many cancer patients now come to Bangor because of the unique depth of cancer diagnosis and treatment

specialty at Eastern Maine Medical Center. If a certificate of need is not issued to Eastern Maine Medical Center, patients in eastern and northern Maine lose access to PET instead of gaining access; and

WHEREAS, Eastern Maine Medical Center's application met all the financially feasible tests required by the Department of Human Services for a certificate of need. The certificate of need unit never published guidelines for this new technology for any other applicants before the process began. Consequently, Eastern Maine Medical Center established its feasibility with the assistance of a PET expert from New York using conservative estimates capped at 4 procedures a day, or 972 procedures annually. In its decision, the certificate of need unit arbitrarily uses a criterion of 1,000 procedures annually for other common nuclear medicine technology. With a financially feasible project, this certificate of need should not be denied based on such an arbitrary guideline; and

WHEREAS, Eastern Maine Medical Center's market is increasing as a result of New Brunswick patients coming to Bangor over the past year for cancer treatment. These patients will also lose access to PET technology; and

WHEREAS, the certificate of need unit staff state that they believe only 2 units are needed in this State. Of the 2 applications recommended for approval, one intends to go no farther north than Augusta, and the other intends to cover from the southern end of the state to Bangor. Consequently, the 2 recommended programs will be principally based in southern Maine; and

WHEREAS, Eastern Maine Medical Center's long-term strategy included building a cyclotron, a machine that produces the short-life isotope, used in PET procedures. The idea of having a cyclotron and a PET scanner in Bangor has stimulated ideas for further private and research applications from academic and industrial settings, including the University of Maine. Denying Eastern Maine Medical Center's opportunity for PET also removes these opportunities that would stimulate further economic development and research; and

WHEREAS, Eastern Maine Medical Center's application received broad support in the region, from other hospitals, from related medical staff leaders and from the cities of Bangor and Orono because of the prospects for economic development; 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 in the best interest of the patients in the northern and eastern part of the State to grant a meeting between the Department of Human Services and Eastern Maine Medical Center so that Eastern Maine Medical Center may submit additional information without jeopardizing its current application; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Human Services.

READ and ADOPTED.

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 DIVIDED REPORT – Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-350)** – Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (S-351)** – Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

(S.P. 422) (L.D. 1378)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto.

TABLED – June 20, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that we all recognize the importance of the University System. Included in this bond issue is also the Maine Maritime Academy. There are several campuses, the original requests were much higher. It was \$61 million. The reduction in Committee Amendment "A" funds some items at a reduced level and some campuses are not addressed in this. It was reduced, but with input from the University of Maine. There are other bond packages, but I support this one. There is money here for \$4 million for the Orono campus for design and construction costs for a library addition and renovation of classroom facilities. There is \$4 million for the Augusta campus for a technology classroom and student center facilities. The Farmington campus, there is construction of an education classroom facility. It is \$5 million. I would say that as a local issue, the Farmington campus has been recognized nationally for being an outstanding campus for several years in a row. In my opinion, they have been neglected in the facility and upgrades. They look at this as hope for their campus and the community. The Fort Kent campus, there is a renewal of a health and technology center and a library and classroom for \$3.2 million. The Presque Isle campus, a health and physical ed complex for \$6 million. The Southern Maine campus is \$9 million. Their original request was \$17 million for the University of Southern Maine. Maine Maritime is in all the proposals related to this bond. They have been undertaking some efforts down there to upgrade their facilities and keep it modern and safe. That is the total of Committee Amendment "A". I would hope that you would support the renovations and investments in the university. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that may answer, if this bond issue passes and the University of Presque Isle gets the \$6 million to build the sports and fitness building, would that be matched with the rising cost of tuition and technical fees?

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. In my experience, I think that any amount we give them for their tuition, their operations or their buildings, I think we will see a continuing increase in tuition.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. We had a pretty detailed explanation of what is in this bond. In front of you on the board is a number of a little over \$65 million. The actual amount of this bond if it reaches public approval is \$36,700,000, which is higher than both the Minority and Majority Reports as they came out of the Appropriations Committee. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. Those of you who might recall yesterdays divided report, I was on the Minority Report and that was due to a misunderstanding on my part. I want to clarify that I will be voting with the majority.

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

Representative BERRY of Livermore **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: 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. 449

YEA - Annis, Ash, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy T, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Sherman, Shields, Simpson, Skoglund, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Bowles, Clark, Cressey, Duprey, Glynn, Goodwin, Kasprzak, MacDougall, Michael, Nass, Rosen, Schneider, Snowe-Mello, Tobin J, Waterhouse.

ABSENT - Andrews, Bagley, Berry RL, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Dudley, Estes, Gagne, Haskell, Hutton, Labrecque, Landry, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Smith, Watson, Young.

Yes, 109; No, 15; Absent, 27; Excused, 0.

109 having voted in the affirmative and 15 voted in the negative, with 27 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-350)** was **READ** by the Clerk.

Senate Amendment "A" (S-373) to **Committee Amendment "A" (S-350)**, was **READ** by the Clerk.

On motion of Representative BERRY of Livermore, **Senate Amendment "A" (S-373) to Committee Amendment "A" (S-350) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-350) was 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-350)** 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:

SENATE PAPERS

Non-Concurrent Matter

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

(H.P. 224) (L.D. 259)

PASSED TO BE ENACTED in the House on May 14, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213) AS AMENDED BY SENATE AMENDMENT "A" (S-324)** thereto in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

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

COMMUNICATIONS

The Following Communication: (H.C. 324)

STATE OF MAINE

ONE HUNDRED AND TWENTIETH LEGISLATURE COMMITTEE ON JUDICIARY

June 20, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 271 An Act to Establish the Baxter Compensation Program.

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

Sincerely,

S/Sen. Anne M. Rand

Senate Chair

S/Rep. Charles C. LaVerdiere

House Chair

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

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

(H.P. 974) (L.D. 1298)

PASSED TO BE ENACTED in the House on May 14, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-358)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-358)** and **SENATE AMENDMENT "A" (S-383)** thereto in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 33)

ORDERED, that Representative Martha A. Bagley of Machias be excused Tuesday, June 12th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Howard A. Chick of Lebanon be excused Friday, June 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anita P. Haskell of Milford be excused Wednesday, June 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janice E. Labrecque of Gorham be excused Monday, June 18th, Tuesday, June 19th, Wednesday, June 20th and Thursday, June 21st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Glenys P. Lovett of Scarborough be excused Tuesday, May 29th, Wednesday, May 30th, Thursday, May 31st, Friday, June 1st, Monday, June 4th, Tuesday, June 5th, Thursday, June 7th, Friday, June 8th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Friday, June 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative A. David Trahan of Waldoboro be excused Monday, June 4th, Tuesday, June 5th, Wednesday, June 6th, Thursday, June 7th, Friday, June 8th for legislative business.

READ and PASSED.

On motion of Representative ETNIER of Harpswell, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR** on An Act to Offer Reciprocity Concerning Concealed Firearms Permits

(H.P. 224) (L.D. 259)

The same Representative moved that the House **ADHERE.** Representative BRUNO of Raymond moved that the House **RECEDE AND CONCUR.**

Representative TRACY of Rome **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: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I urge you to defeat the Recede and Concur. This may be a position that is not a position that I took earlier in the session. It is a bill that I did support, but I do support the process. This is not the time to bring this item back into the process. It is late. It is time to go home. I do agree with the principle behind the bill, but I will not be supporting the Recede and Concur motion. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Members of the House. I am not sure I understand the good Representative from Ellsworth as far as bringing it back in the process. It is my understanding it has already passed through the House and the Senate. All we have to do is agree. I guess there was some funding questions. There was some money that got stripped off, but I have been told by people, I believe, in contact with the Public Safety people that they are willing to try this at no cost. I think it is a very good idea. It would only be reciprocity with a state that has stipulations on their granting concealed weapons permits at least as stringent as ours. I think it is a good fair proposal and I hope you will vote to Recede and Concur. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. This bill this morning we discussed this briefly in the Appropriations Committee. It was previously included in the Part I Budget in Amendment "J" at one time. It remained on the Appropriations Table. The Appropriations Committee voted this morning and the motion to consider this did not pass. One member of the Appropriations Committee in the other body has brought this off the table by himself. It is time to move on. It is time to go home. Please oppose the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, Ladies and Gentlemen of the House. Looking over the amended version there, apparently the difference is on Senate Amendment (S-324). Can anybody explain what that does?

The SPEAKER: The Representative from Sanford, Representative Tuttle 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, Ladies and Gentlemen of the House. I don't seem to have (S-324) here. Our discussion this morning was to require or to allow the department to do this within existing resources for up to a two-state area. I believe that was the discussion.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I am not positive, but I believe that may be the amendment that stripped the funding off as well. I would like to reiterate. I have talked with the Sportsmen's Alliance and I have also talked with somebody in the lobby in Public Safety. They said that there had been agreement reached that they would experiment with this dealing with a couple of states with no new funding. I am not sure what the pressure is here. I think there is

a pressure just to kill this in the name of something that we shouldn't deal with at this late date. Please don't give in to that pressure. This is a good bill. Thank you.

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

ROLL CALL NO. 450

YEA - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Canavan, Carr, Chase, Chick, Clark, Clough, Collins, Cressey, Davis, Dugay, Duncan, Dunlap, Duplessie, Duprey, Foster, Glynn, Goodwin, Hatch, Hawes, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, Lundeen, MacDougall, Madore, Marrache, Mayo, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Patrick, Perkins, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Chizmar, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Matthews, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Pineau, Povich, Quint, Richardson, Rines, Simpson, Skoglund, Sullivan, Thomas, Tuttle, Twomey, Volenik, Mr. Speaker.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Estes, Gagne, Gooley, Haskell, Labrecque, Landry, Lovett, Michael, Morrison, Murphy E, Muse C, Muse K, Peavey, Perry, Pinkham, Richard, Smith, Watson, Wheeler GJ, Young.

Yes, 66; No, 57; Absent, 28; Excused, 0.

66 having voted in the affirmative and 57 voted in the negative, with 28 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide (BOND ISSUE)

(S.P. 450) (L.D. 1504)

(C. "A" S-361)

PASSED TO BE ENACTED in the House on June 20, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto in **NON-CONCURRENCE**.

Representative **FISHER** of Brewer moved that the House **ADHERE**.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. To remind you, this is the Transportation Bond issue. The action of the other body included, I want you to think about

this now and think about what your constituency is, cuts to the rural road initiative, cuts to the snowmobile and fishing access money, cuts to rail development, cuts to small harbor improvements, cuts to the ferry system improvement and cuts to intermobile facility developments in Freeport, Brunswick, Bath, Boothbay Harbor, New Castle, Rockland and the Bangor/Brewer area. I would hope we would all send them a very positive message. Thank you.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **ADHERE**.

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 Adhere. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 451

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Glynn.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Estes, Gagne, Gooley, Haskell, Labrecque, Landry, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Perry, Pinkham, Richard, Smith, Watson, Wheeler GJ, Young.

Yes, 123; No, 1; Absent, 27; Excused, 0.

123 having voted in the affirmative and 1 voted in the negative, with 27 being absent, and accordingly the House voted to **ADHERE** whereby the Bill was **PASSED TO BE ENACTED**.

**SENATE PAPERS
Non-Concurrent Matter**

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Improvements to Equipment and Technology at Vocational High Schools Statewide (BOND ISSUE)

(S.P. 437) (L.D. 1439)
(C. "A" S-352)

PASSED TO BE ENACTED in the House on June 20, 2001.
Came from the Senate **FAILING OF PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

Representative BERRY of Livermore moved that the House **ADHERE**.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **ADHERE**.

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 Adhere. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 452

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bull, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richardson, Rines, Savage, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Bruno, Chase, Clough, Cressey, Foster, Glynn, Heidrich, Kasprzak, MacDougall, McKenney, Nass, Rosen, Schneider, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Bryant, Buck, Bumps, Bunker, Cote, Crabtree, Daigle, Estes, Gagne, Gooley, Haskell, Labrecque, Landry, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Perry, Pinkham, Richard, Smith, Watson, Wheeler GJ, Young.

Yes, 108; No, 15; Absent, 28; Excused, 0.

108 having voted in the affirmative and 15 voted in the negative, with 28 being absent, and accordingly the House voted to **ADHERE** whereby the Bill was **PASSED TO BE ENACTED**.

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

On motion of Representative COLWELL of Gardiner, the following item was **REMOVED** from the Special Study Table:

JOINT ORDER - Relative to Establishing the Joint Study Committee to Examine Issues Related to Motor Vehicle Glass Claims.

(H.P. 1293)

Which was **TABLED** on March 29, 2001 by Representative COLWELL of Gardiner pending **PASSAGE** pursuant to Joint Rule 353.

On further motion of the same Representative, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

SENATE PAPERS
Non-Concurrent Matter

JOINT RESOLUTION - Relative to URGING THE DEPARTMENT OF HUMAN SERVICES TO ISSUE A CERTIFICATE OF NEED TO EASTERN MAINE MEDICAL CENTER FOR A PET SCANNER

(H.P. 1392)

READ and **ADOPTED** in the House on June 21, 2001

Came from the Senate **READ** and **FAILING ADOPTION** in **NON-CONCURRENCE**.

Representative LEDWIN of Holden moved that the House **ADHERE**.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **ADHERE**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would hope that everyone would vote for the pending motion and send a clear message across the other body. I am not sure what kind of games they are playing. It is late in the session. I am pretty disgusted at what I just saw that this failed to be enacted on the other side. I think we should all send them a clear message that it is inappropriate. Thank you.

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

ROLL CALL NO. 453

YEA - Annis, Ash, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Berry RL, Quint.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Estes, Gagne, Gooley, Haskell, Labrecque, Landry, Lemoine, Lovett, Michael, Morrison, Murphy E, Muse C, Muse K, Peavey, Perry, Pinkham, Richard, Smith, Trahan, Watson, Wheeler GJ, Young.

Yes, 119; No, 2; Absent, 30; Excused, 0.

119 having voted in the affirmative and 2 voted in the negative, with 30 being absent, and accordingly the House voted to **ADHERE**.

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

SENATE PAPERS

The following Joint Order: (S.P. 652)

ORDERED, the House concurring, that the following specified matters be held over to any special or regular session of the 120th Legislature.

APPROPRIATIONS AND FINANCIAL AFFAIRS

H.P. 29, L.D. 29 - An Act to implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

H.P. 33, L.D. 42 - An Act to Fund the Endowment Incentive Fund (Emergency)

H.P. 70, L.D. 79 - An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance

S.P. 132, L.D. 456 - Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

S.P. 133, L.D. 457 - An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

H.P. 370, L.D. 472 - Resolve, to Establish a Fatherhood Issues Study Commission

H.P. 375, L.D. 477 - An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program

H.P. 570, L.D. 725 - An Act to Maintain Maine Quality Centers' Current Level of Services

S.P. 268, L.D. 915 - An Act to Amend the Maine Insurance Guaranty Association Act

H.P. 779, L.D. 1023 - An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services

S.P. 337, L.D. 1144 - An Act to Enhance Economic Development Capacity

H.P. 874, L.D. 1153 - An Act to increase Certain Civil Process Fees

H.P. 916, L.D. 1230 - An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State (Emergency)

S.P. 438, L.D. 1440 - An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State

H.P. 1102, L.D. 1471 - An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine

H.P. 1161, L.D. 1561 - An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories

S.P. 537, L.D. 1668 - An Act to Expand Research and Development Facilities within the University of Maine System

CRIMINAL JUSTICE

H.P. 827, L.D. 1081 - An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole

HEALTH AND HUMAN SERVICES

H.P. 742, L.D. 961 - An Act to Expand Benefits Under the Elderly Low-cost Drug Program

TAXATION

S.P. 128, L.D. 404 - An Act to Promote Equity Among Health Care Clinics

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

READ and **PASSED** in concurrence.

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

Non-Concurrent Matter

"An Act to Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

(S.P. 422) (L.D. 1378)

Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350)** in the House on June 21, 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 COMMITTEE AMENDMENT "A" (S-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto in **NON-CONCURRENCE**.

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

ENACTORS

Acts

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

(H.P. 974) (L.D. 1298)

(H. "A" H-358 and S. "A" S-383 to C. "A" H-217)

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.

ORDERS

On motion of Representative **JONES** of Greenville, the following Joint Order: (H.P. 1393)

ORDERED, the Senate concurring, that H.P. 1391, "Joint Order Establishing the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands," is amended in the first ordered paragraph by striking out all of subsection 5 and inserting in its place the following:

5. Duties. The committee shall study the economic and societal impact of the termination of camp lot lease arrangements and of the public enjoyment of state lands, including the lands of the unorganized territory, and develop a plan to preserve the traditional camp lot lease arrangements in and public enjoyment of state lands.

A. In conducting the study, the committee shall examine and report on the following issues:

- (1) The history of and recent changes to camp lot lease arrangements in state lands, including those of the unorganized territory;
- (2) Efforts to help promote the State's working forests;
- (3) The economic impact of the termination of camp lot leases and of the closing of public access;
- (4) The economic impact of the real estate transfer tax program and the maintenance of land for tree growth;
- (5) Issues of colonial law and any other legal implications arising in this context;
- (6) The traditional camp lot lease arrangements in the state lands purchased by private individuals; and

- (7) The impact on individuals whose camp lot leases are terminated.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it.

READ.

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

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to clarify what happened with this particular supplement. When we passed it earlier today and it went down to the Senate. It was determined that a major piece had been left out that was the actual amendments to the original bill. This is what the supplement is correcting tonight. Thank you.

Representative **KASPRZAK** of Newport **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.

ROLL CALL NO. 454

YEA - Annis, Ash, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bull, Bumps, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cummings, Davis, Dorr, Dudley, Duncan, Dunlap, Etnier, Foster, Fuller, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Koffman, LaVerdiere, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Michael, Mitchell, Murphy T, Norbert, Norton, Nutting, O'Brien JA, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Rines, Savage, Sherman, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Usher, Volenik, Wheeler EM, Mr. Speaker.

NAY - Bruno, Clough, Cressey, Duprey, Kasprzak, MacDougall, Mendros, Nass, Rosen, Schneider, Shields, Stedman, Treadwell, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Baker, Berry RL, Bryant, Buck, Bunker, Canavan, Cote, Crabtree, Daigle, Desmond, Dugay, Duplessie, Estes, Fisher, Gagne, Gooley, Haskell, Hawes, Hutton, Kane, Labrecque, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lovett, McKee, Michaud, Morrison, Murphy E, Muse C, Muse K, O'Brien LL, O'Neil, Peavey, Pinkham, Richard, Richardson, Smith, Tessier, Twomey, Watson, Weston, Wheeler GJ, Young.

Yes, 89; No, 15; Absent, 47; Excused, 0.

89 having voted in the affirmative and 15 voted in the negative, with 47 being absent, and accordingly the Joint Order was **PASSED**.

Sent for concurrence.

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

ENACTORS
Acts

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

(H.P. 224) (L.D. 259)
(S. "A" S-324 to C. "A" H-213)

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.

SENATE PAPERS
Non-Concurrent Matter

An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety

(S.P. 635) (L.D. 1815)

PASSED TO BE ENACTED in the House on June 4, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-388)** in **NON-CONCURRENCE**.

On motion of Representative **POVICH** of Ellsworth, the House voted to **RECEDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **QUINT** of Portland **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 Portland, Representative **Quint**.

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I won't be supporting this motion for a couple of reasons and I just need to let people know why. As you all know, you got this amendment on your desk that won't be offered. I think that that deserves an explanation because I didn't put that on people's desks without a lot of consideration. Back in October 1998, the Executive Director of the Legislative Council as well as the Commissioner of Financial Affairs, Commissioner Waldren, commissioned an assessment of Capitol Security. I have the invoice in front of me from US Trecks International at a cost of \$26,000. The assessment of the Capitol Security, its floor plan and the people who are in charge of taking care of this facility as well as protecting it were evaluated. It was a highly controversial report and some of the information that was provided, the report, is currently unavailable to the public. However, the general overview of the report was not satisfactory and in some cases it was alarming. There were 90 areas in the report that required immediate attention. As you know with the current renovations, you are seeing new systems of getting in and out of the buildings and things like that.

What we are doing here is we are, in essence, not allowing Capitol Security to carry weapons and also to have arrest powers. By doing this, they will no longer, as of Monday, be able to do their job as they have been doing it. That is not to say that they can't do some security detail, but they will not be able to do what they are doing now. I understand that the process was not followed, but we didn't discover that there was an issue with this until the Department of Public Safety was doing their audit. We didn't get the Joint Order until 30 days ago. The committee of jurisdiction, who decides policy issues, not financial issues, but policy issues, decided that we needed to move forward and require training and upgrade the current individuals who are filling those very serious job responsibilities.

I also understand and out of respect for the Appropriations and Finance Committee that you should not make changes in the last couple of days. I will defer to them under their objections about the financial piece of this. I want to go on the record for people to know this is not a good policy decision. I will defer to the Appropriations Committee and their process and the financial concerns that they have with this, but it is not the right policy decision. I wish we could have done it sooner. I wish these things would happen on time and on schedule and meet our time lines, but sometimes they don't. I will not be voting for this motion and I just wanted to let people know why.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I urge the body to support the pending motion. This motion was not made in any disrespect to our Capitol Security. They are hardworking people and they want to do the right job. They ought to be trained to do the job. In current Maine law if you earn less than \$10,000 a year you can avail yourself to the Criminal Justice Academy and undertake a 100 hour course, which gives you the right to carry a firearm and to have arrest powers. Somehow if you earn over \$10,000 a year, you don't have that power.

This facility is a magnet for people, thank goodness. People come here. We come here and they ought to be secured and feel safe. The only way, in my opinion and the committee agreed, is by being protected with qualified sworn officers that go through the Criminal Justice Academy. It is an 18-week course. Those that go through the academy learn many things and are qualified to do the job. The Criminal Justice Committee unanimously supported that policy when we learned that our Capitol Security, our watchmen with guns and arrest powers, they haven't had the proper training. They want the proper training. They want to go through the Criminal Justice Academy. They want to do the right job. This bill did pass, but was not appropriated. There was no appropriations so Monday morning with the bill as envisioned right now, they will be exempt from the law. They will exercise arrest powers and carry weapons because of an exemption. That is not the policy that the Criminal Justice Committee wanted to go through. I don't want to strip their powers of arrest. I want them to be trained. The only way, in my opinion and the opinion of the committee, is to say, no training, no arrest powers.

I urge the body to support the Indefinite Postponement motion. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. Just a couple of quick words on this subject. Yesterday we received an amendment that came over from the other body from the chair of the Appropriations Committee, which exempted Capitol Security from the requirement of going to the Criminal Justice Academy. That caught my eye and I had a discussion based upon that with the Representative from Ellsworth, Representative **Povich**, and hopefully this issue hasn't been blown out of proportion. I do think it is very important that law enforcement officers be properly trained with the use of firearms and deadly force. However, I am not really sure that the pending motion before us is the proper route to go. The reason I say this is because policies such as this are very important and they have a great impact upon the things that we do. Rather than for us to, in the last hours of our session here, I would really hate for us to make a decision that might have an adverse impact. I would really suggest that we have a chance to study this over the summer and make some decisions that we have had a chance to evaluate what has happened in the past, what we should do in

the future and try to make a decision over a period of time, rather than trying to do it in the last few minutes of our session. Thank you Mr. Speaker.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I share that concern and that will happen. In January the Criminal Justice Committee will undertake a review of many areas of the Department of Public Safety. That is a mandated audit that we will undertake. This will be there. What this Indefinite Postponement will do is require the Department of Public Safety to bring in sworn law enforcement officers to do the job and to secure this facility. We will leave Capitol Security to do the other tasks that they are trained to do. We are not making this facility less secure. We are sending a message to the Department of Public Safety that if you are going to have law enforcement officers, we want law enforcement officers who are sworn to be providing security here in the Capitol.

The SPEAKER: 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. 455

YEA - Annis, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Chizmar, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Desmond, Duncan, Etnier, Foster, Fuller, Goodwin, Green, Heidrich, Jacobs, Jodrey, Kane, Kasprzak, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, MacDougall, Mailhot, Marrache, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Rosen, Savage, Schneider, Shields, Skoglund, Snowe-Mello, Stedman, Sullivan, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Volenik, Waterhouse, Weston, Winsor, Mr. Speaker.

NAY - Ash, Brooks, Carr, Chase, Chick, Clark, Davis, Dorr, Dudley, Dunlap, Duplessie, Duprey, Fisher, Gerzofsky, Glynn, Hall, Hatch, Honey, Hutton, Jones, Madore, Marley, Matthews, Mayo, McGlocklin, Mendros, Michaud, Mitchell, Quint, Richardson, Rines, Sherman, Simpson, Stanley, Tarazewich, Tessier, Tracy, Tuttle, Wheeler EM.

ABSENT - Andrews, Bagley, Berry RL, Bryant, Buck, Bunker, Canavan, Cote, Crabtree, Daigle, Dugay, Estes, Gagne, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Smith, Twomey, Watson, Wheeler GJ, Young.

Yes, 79; No, 39; Absent, 33; Excused, 0.

79 having voted in the affirmative and 39 voted in the negative, with 33 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

ORDERS

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1394)

ORDERED, the Senate concurring, that Bill, "An Act to Increase Access to Health Care," H.P. 979, L.D. 1303, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ.

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

Representative **BRUNO**: Point of order. I ask for a ruling on recalling from the Governor's desk on a simple majority or two-thirds vote. Could I have a reference to see it?

Representative BRUNO of Raymond asked the chair to **RULE** if the Joint Order required a simple majority vote or a two-thirds majority vote for **PASSAGE**.

The SPEAKER: The Chair will make the ruling in reference to the Representative's request, Section 1 of *Mason's Rules of Parliamentary Procedure*, "A fundamental and seemingly universal principal is that at least a majority of the vote cast is required to make decisions for a group." The rule requires that if, and only if, the rules state specifically for a super majority is that required at any time. Within our rules in this body, it does not require a two-thirds majority vote at any time for an order to recall a bill from the Governor's desk.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I just want to thank you for that ruling.

Subsequently, the Chair **RULED** that pursuant to Section 1 of Mason's Manual, a two-thirds majority is not required for **PASSAGE**.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-532)** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:

DESMOND of Mapleton
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 "B" (H-755)** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

READ.

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

Representative LaVERDIERE of Wilton moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

The same Representative **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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 Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. In the past three years, two years during the 119th and so far this year, I have sat and I have endured 20 plus hours of discussion on the fingerprinting bill. I have never stood to speak on that issue. I am standing tonight because frankly I am angry. I want to tell you why. There was a Committee of Conference that was agreed to in both bodies. That Committee of Conference consisted of three members of this body, myself, Representative Madore of Augusta and Representative Richardson of Brunswick. We met with the members from the other body and we agreed in that Committee of Conference on three things. Number one, this bill would be committed back to the committee. Number two, that commitment was conditional upon the bill being carried over into the next session. Number three, that a letter would go to the Department of Public Safety and to the Department of Education with a copy to the Governor saying that no further information was to be released until next year when the committee had an opportunity to look at this information and look at this bill again. That was unanimously agreed to by all six members of that Committee of Conference.

The bill is now before us because the Education Committee met today, without notice to this body, in violation directly of the agreement that was made in the Committee of Conference. They are reporting this bill out now in an effort to make sure it did not get carried over. Regardless of how you feel about the fingerprinting issue, the fact of the matter is, when you make a deal, you make a deal. Would you say that I give my word that I will allow it to be recommitted on the condition that it would be carried over. That is the deal. Am I angry? You bet I am. You bet I am because someone gave me their word and then went back on it and that makes me angry. As far as I am concerned, it is no longer about the issue of fingerprinting and the release of information. It is about the integrity of this body and it is about the integrity of the other body. I would ask you to join me in sending this bill back to the committee so that they can fulfill their obligation, the obligation that was agreed to in the Committee of Conference.

I want to make sure that every member of this body understands that this happened to the three of us and unless we uphold the integrity of this institution, it will happen to you next time. This is improper, in my opinion, and it deserves to go back to the committee, for no other reason than to uphold the integrity of an agreement. Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I am not angry about this. I am very sad. I am sad for this institution and I am said for members who sat on that particular committee. I have, at times, committed bills back to my committee in order to help out the process. I have even done it when I didn't want to do it. I did it because that was the word that I gave for people to do and I followed through with it.

I learned a long time ago that your word is your bond. To me, it is not about the release of this information or disseminating it. It is about our word being our bond here in this institution. I don't know what happened. I don't know how the disconnect

occurred. All I know is that it did in fact happen. It is a kind word to say that we were misled, because something else happened. When your word is not your bond in this institution, then we have nothing. When I sat down in that Committee of Conference, I promised the other side of this issue, those who wanted the release of this information, that I would work in good faith with them in January, after the scab had healed a bit on this particular issue, and that I wasn't closing the door to the release of this information, but I wanted to see whether we could fashion a better remedy in January and that didn't happen.

I am not blaming the Education Committee altogether because I am aware of the fact that many on the Education Committee were not made aware of this deal. There were members of the Education Committee who were in this Committee of Conference. They owed us, this House, this institution, an obligation to tell their fellow members of that committee what had, in fact, occurred. I am not angry. I won't be angry about the outcome here on this vote. I will just be disappointed for this House and for this institution and for the process here. That is what will trouble me the most. I am asking you to commit this bill, as the good Representative from Wilton has suggested here. I am asking you to do that because sometimes it is more important than winning. Sometimes it is more important than just winning the game here. It is about whether our integrity means anything. I am asking you to back us up, those members, both Democrat and Republican, who sat on this Committee of Conference, back us up so that our word means something in this institution and we are not bullied around, not by the other body, not by the process and certainly not by the Committee of Conference. As I said to you, I learned a long time ago that your word is your bond. I make mistakes too sometimes, but I learn from them. I try not to repeat them. This would be a terrible mistake if we made it. I am imploring you not to vote against this bill to commit. I think it is the appropriate proper thing to do when, in fact, the rug has been pulled out from underneath us. I have no more to say here. I wish you would search your hearts and souls and determine whether or not if you were placed in my position, a position of operating in good faith and a Committee of Conference, wouldn't you want my support? I am asking for yours.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. In response to some of the items that have been mentioned, we had no instructions in writing or otherwise as to how to deal with this when it came back to committee. The assumption was that the committee had it in their hands and they would deal with as they saw fit. There was an expression of concern by a member of the other body about the feelings of the members of the Committee of Conference, but it was our assumption that when it got back to our committee, it was our process to handle it and deal with it as we saw fit. The majority of the committee felt that it was proper to bring this before the body tonight. We had no intention of keeping any meetings private or secret. I got a written notice that the meeting was going to take place. The meeting this morning was deferred until later in the afternoon and another notice went out. It was obviously not a notice that everyone got, but there were representatives from the public there who knew about it so we assumed that this was not a private meeting. The matters under consideration were discussed openly at the meeting. The vote was taken and the results of the vote you can see on this report. We had no intention of violating the faith of the Committee of Conference and the process. We only handled the matter as we thought was proper once the bill was turned over to us to handle. That is the way the process worked today. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I would like to thank the members of the committee that met and worked out this agreement. I have heard your concerns and I will support you. I ask you to commit this for another reason. Every one of you are physically and mentally exhausted. This issue, from my perspective, has seen mistakes all along this process. When people are tired and they are exhausted they make mistakes. I urge you to commit this so that the next time we come out with a bill we can be sure that it is a bill that this Legislature can support and pass, but more importantly, we need to make sure that we don't make any more mistakes with this issue. Too many people are being hurt. I ask you, ladies and gentlemen, support our Committee of Conference, but also support our teaching and our non-teaching personnel that work in our schools. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. Like my friend from Wilton, the good Representative LaVerdiere, believe it or not I have not spoken on this issue either in four years, not because I didn't care about it and not because I didn't think it was important, I do. I think people know I have opposed the fingerprinting, but I think it is time to commit this back, but it is time for us to step back from this. I agree with the good Representative from Waldoboro. It is time to take a real careful look at it, whether you are in favor of fingerprinting or you are opposed to fingerprinting, the simple fact is in this body very good men and women are on different sides of this issue. I respect my colleagues in this House. I respect whichever side of this issue they are on. I may not agree with them, but I respect them. I think their opinion is valid.

My mom was a teacher, you know, that like the teachers I know, many times if there was a kid in school that came from a tough family and didn't have boots or a coat or whatever, just like my neighbor who is a teacher, my mom would buy boots for the poor child or a coat or maybe pay for their school lunch or whatever. The simple fact is good people are on both sides of this issue. This bill before us right now, whether or not fingerprinting goes on or whether or not it is eventually removed, whichever side that the good people of this body are on, whichever way that comes out, this is about the release of the information. That information has been gathered. This year the Department of Public Safety made a terrible, unforgivable mistake, early on in this session and released some of that information without a clear policy or clear guidelines or without frankly, in my mind, any thoughtfulness. I think we need to get it right. This motion to commit will allow us to step back, take a careful look at it and come up with a way that the good people on both sides of this issue, the good people on the Education Committee and the good people here in this body can get it right. I urge you to support the motion to commit. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Someone sent me a note asking who the public members were that were at the meeting today. There was a representative from the Maine School Board Association, a representative from the Maine School Management Association, a representative from this body, at least one, there were about five or six members of the public, whom I would call the public at the meeting. I would assume that the word was out that there was something going on and that we had to deal with

this issue today since it was assumed that this was going to be our last day.

The history of this, a little bit, was that the Education Committee received a directive, basically, that we should come draft a bill that would allow for the release of information in the manner in which we felt was proper. We felt it was as important that this information get out that we put an emergency preamble on this so it could be released as soon as the bill passed. The only information that is called for in this bill is the aggregate number of teachers and other school personnel who have been fingerprinted and the aggregate number of people who have been found to have some problem on their record that would warrant the commissioner to disqualify them from the profession or the related work fields that go along with education. This is all that is in this bill. I don't know how if it comes back to committee another year, how we can make it any simpler or any more direct than that unless people want more information than what this bill calls for. It was the assumption that when we got the charge from the Criminal Justice Committee to come up with a bill that what you wanted was very basic information, not a lot of detail, but to justify the expense of having the fingerprinting process go forward. That is what we came up with, a very simple bill with very few numbers to be released other than the total number that were fingerprinted and the total number that have been disqualified. That is it. That is all the bill calls for. I don't understand why we can't just vote on this tonight to either accept or reject this bill at this point in time. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I am absolutely amazed. I am one of those old pieces of furniture, as I have said many times before, that has been around here forever. Usually the Committee of Conference does not work. Sometimes we kind of chuckle when there is a Committee of Conference, we say it will die in la la land between bodies. Lo and behold, somewhere along the line six people concurred that this should be held over, not for tonight, not for June 21, 2001, but somewhere in the future in January 2002. I have learned over the years here that when one gives one's word, one should stand by one's word, because if you can't give your word and your word is not accepted, then you might as well not give your word at all and you might as well pack a bag up and go home. I will be voting to commit this. It is not because I personally don't think that tonight is the night that we should be doing anything with this, but six members, ladies and gentlemen, gave their word. They worked on this and if their word is not acceptable to commit until January 2002, I would dare say that we might as well do away with the Committee of Conference. Thank you.

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

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

The SPEAKER: The Representative may pose his question.
Representative **HALL**: Mr. Speaker, Men and Women of the House. I simply wish to know, is this a 30-minute fingerprinting debate or is this the full three hours?

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman. 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 **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the previous speaker, the message from the Committee of Conference was not conveyed in a form that led us to believe that we had instructions

from that committee to do a particular bill thing when we got the bill back to committee. Without the word, we can't be blamed for not hearing the word. Thank you.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative Hall, we have the material before me for a good three-hour discussion, but still there is not a person here who wants it, but if this is not committed, I shall have to present my amendment on additional information on fingerprinting because this is the only chance we will have to discuss it unless we carry it over. I am hoping that you will commit this, carry it over and be done with it now.

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

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. As the third member of the Committee of Conference from this body, I did want to weigh in very briefly. The word trust keeps coming to mind here. When I walked into that meeting yesterday, I can tell you that it was not my intent to do what we did as a group. As the discussion went on, I felt it warranted that this bill go back to committee and have a discussion over information. We were very specific about what we wanted done in order to make sure that was done. I find it rather disheartening when I hear from members of the Education Committee that five members of the public were invited to this meeting, yet knowing full well how concerned we were about this bill and not one member of the Committee of Conference was notified. I found out in the halls later on this afternoon what had happened. I can tell you right now, as far as I am concerned, it needs to go back to committee, after all the information that we heard yesterday, all of my colleagues reluctantly, all agreed this was the best thing to do. I think this is what we should do considering the late hour and the hour of the pending adjournment, I hope, that this bill be committed. I urge you to support that motion. Thank you.

Representative **GLYNN** of South Portland **REQUESTED** that the Clerk **READ** the Committee of Conference Report.

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

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. Didn't that come back across our desk as a supplement or something after the Committee of Conference met? In other words, didn't that one come here and didn't we do something with it? If the answer is yes, what does that mean?

The **SPEAKER**: The chair would answer in the affirmative. The Committee of Conference Report was returned to this chamber. This chamber did accept the Committee of Conference Report. This chamber at that time Receded and Committed this bill and all accompanying papers to the Committee on Education. Subsequent to that, the Committee on Education having the bill in its possession, reported it out. The pending motion before this body prior to the motion to commit was acceptance of the Majority Ought to Pass as Amended Report. The subsequent action by the Representative from Wilton, Representative LaVerdiere, was to move that this bill and all accompanying papers be committed, again, to the Joint Standing Committee on Education and Cultural Affairs.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. That is clear and I understand that part of it. When we say we accept the report, was it written in what we accepted, that we would hold it over? How detailed is what we accepted?

The **SPEAKER**: The chair would answer that when we accept the committee report, we are accepting into our formal files the actions of the committee. Subsequent to that the motion to Recede and the subsequent motion to commit were the actions of this House. Those actions were agreed upon in the other body. Subsequent to that agreement the Joint Standing Committee on Education and Cultural Affairs, again, met and reported out a divided report, which is before us today. The pending motion is the motion to commit. The prior motion is the motion to accept the Majority Ought to Pass as Amended Report.

Upon clarification from the Clerk, I believe the Representative's question was whether it was specified within the Committee of Conference report that this bill be carried over. The chair apologizes for not understanding immediately. That was not specified within the Committee of Conference report. It is subject to a Joint Order of this chamber to carry over a piece of legislation. In addition, the Clerk reminds me, those requests for carryovers needed to be presented to the presiding officers that subsequently those carryover items do appear on orders and there is an order with this legislation pending in the other body. However, they have not presented that order because this piece of legislation is not, in fact, in the committee to be carried over. It is active between the bodies.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Bill and all Accompanying Papers to the Committee on Education and Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 456

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cummings, Davis, Dorr, Dudley, Dugay, Duncan, Duplessie, Duprey, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Wheeler EM, Winsor.

NAY - Baker, Cressey, Desmond, Dunlap, Foster, Glynn, Honey, Kasprzak, Ledwin, Nutting, Rosen, Stedman, Tuttle, Weston.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Smith, Twomey, Watson, Wheeler GJ, Young, Mr. Speaker.

Yes, 105; No, 14; Absent, 32; Excused, 0.

105 having voted in the affirmative and 14 voted in the negative, with 32 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

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

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 Increase Access to Higher Education

(H.P. 799) (L.D. 1043)

(C. "A" H-656)

TABLED – June 7, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative ETNIER of Harpswell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-656)** was **ADOPTED.**

The same Representative presented **House Amendment "C" (H-751)** to **Committee Amendment "A" (H-656)** which was **READ** by the Clerk.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I am reading this amendment now in front of me (H-751) and it looks to me like we are creating another entity or the entity is already there, but we are allowing them to issue bonds, an authority they didn't have before. May I pose a question? To anybody who could answer, is that what I am looking at here, another bonding authority?

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 Harpswell, Representative Etner.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. In response to the Representative from Bridgton, Representative Waterhouse, it is my understanding the Maine Health and Higher Educational Facilities Authority currently exists, but this would allow the authority to issue bonds specifically to provide additional capitalization for the what is referred to as the Maine Scholarship Endowment Fund. You have the amendment in front of you, I gather, which is good. It refers to \$7 million and how that money would be allocated were those bonds to be issued. Again, it is my understanding that that authority already exists.

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. To the good Representative from Harpswell, I think I heard him correctly. This already has

bonding authority, but what we are doing is extending that bonding authority into another area. Is that correct?

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 Harpswell, Representative Etner.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. In response to the Representative from Bridgton, Representative Waterhouse's question, that would be my understanding if you look at Section 2 and Section 3. I believe that clarifies that this amends the existing language of this facilities' authority to allow them to issue bonds relative to the Maine Scholarship Endowment Fund specifically.

Representative **WATERHOUSE** of Bridgton moved that **House Amendment "C" (H-751)** to **Committee Amendment "A" (H-656)** be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-751)** to **Committee Amendment "A" (H-656).**

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 "C" (H-751) to Committee Amendment "A" (H-656). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 457

YEA - Annis, Belanger, Berry DP, Bowles, Bruno, Carr, Chase, Clough, Collins, Cressey, Duncan, Duprey, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dugay, Dunlap, Duplessie, Etner, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Perkins, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Usher, Volenik, Mr. Speaker.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Dudley, Estes, Fisher, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, McKee, Morrison, Murphy E, Muse C, Muse K, Patrick, Peavey, Pinkham, Richard, Smith, Twomey, Watson, Wheeler GJ, Young.

Yes, 41; No, 75; Absent, 35; Excused, 0.

41 having voted in the affirmative and 75 voted in the negative, with 35 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-751)** to **Committee Amendment "A" (H-656)** **FAILED.**

Subsequently, **House Amendment "C" (H-751)** to **Committee Amendment "A" (H-656)** was **ADOPTED.**

Committee Amendment "A" (H-656) as Amended by **House Amendment "C" (H-751)** thereto was **ADOPTED.**

On motion of Representative MURPHY of Kennebunk, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-656)** as Amended by **House Amendment "C" (H-751)** thereto was **ADOPTED.**

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I am just kind of flabbergasted, I guess. Usually as you move toward the end of a session, what you work to do is tidy up and to bring together all the things that the committees have worked on, those things that have had public hearings, those things that the committees have worked on and come to a consensus and even if they haven't come to a consensus, they have at least had a discussion of public policy. This seems to be a rather stretched out end to the session and some pretty amazing things are beginning to happen. One thing that will happen is, I will say it is the most outrageous thing and then something like this comes along and it tops it. The only analogy I can think of is as I think of all the different kinds of bonding we are doing now. I haven't heard the final tally of what we are actually going to send out to the voters, which is really the only legal thing we should be doing, but we are also doing infrastructure, structures, doubled the cap on the University of Maine System from \$50 million to \$100 million, voter unauthorized, and I see it is just maxing out our credit. It is almost as if we have maxed out everything and you start to get a little depressed because you want to do so much more and then you open up the mailbox and there is a card that says you have a platinum credit card with a \$10,000 maximum. I can take off. I can start to charge again.

The history of this goes back about two years ago. At that time there was an effort as we went to finish up the budget to try to take some of the money from that budget and be able to move it to one of these foundations. Many of us in that meeting, even though we feel an outstanding job is being done by that foundation, expressed real concerns about public taxpayer dollars moving to a private foundation, which has no public membership and has not public oversight. What we are looking at now in this amended bill, I guess the best way to describe it is we are going out and borrow money because we don't have any money left because we spent it and we are going to turn around and give it to a private foundation. It has a good purpose. It has a noble cause, but we are going to give it to them and we are not going to have any oversight. Once that money arrives there, we have no input. This is brave new ground that you are moving out to. I think as we begin to think about doing this, this goes beyond creative financing and I think in this body we have a responsibility with those taxpayer dollars, we are the stewards. As much as we would like to go around and give it to foundation after foundation after foundation, without the public oversight and the public roll, then I don't think we are doing our proper stewardship.

I have three questions that I would like to pose to anyone who could respond. How many potential foundations are there out there who if we start this precedent are also eligible to receive these kinds of funds? What is before us this evening, has it been reviewed, discussed and voted upon by the Education Committee? For the cost of the money we are going to borrow, what is the cost of the money in terms of interest cost and the terms of that borrowing?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Kennebunk has asked just the right question. How will we create prosperity in this state? We have had a lot of discussions over the last week about taxes, concerns on both sides of this

chamber tell us we are hurting our prosperity by taxing our citizens too much. It is interesting we never bothered to ask Maine businesses what they thought about it or at least it never entered the discussion. If you ask Maine businesses, the Chamber of Commerce tells us pretty clearly what the number one barrier to our prosperity is. Taxes come down at number five. Some of us might be interested in what number one is. The number one barrier to our prosperity, ladies and gentlemen, is our aspiration for post-secondary education. The skill of our people are the highlights of our future when it comes to how much we will prosper in the generations ahead. Today, before you in terms of that investment, we have a minimum of \$7 million to begin an investment that will be matched by private money. To answer part of the question, the reason we chose this institution, the George Mitchell Institution, is because they can match dollar for dollar, one for one, every dollar that we commit. What does that mean to the people of this state? We ought to look around the country. Who exactly is prospering in this country? There are six states, only two of them have lower than the average tax rate of the country, but all six of them have over 30 percent of their people with BAs. We, in this state, have almost the lowest aspirations of any state in the country. If the members of this body are so concerned about our prosperity, let us listen closely to what Maine businesses are truly telling us. Bring us the best and the brightest. Keep them here and we will prosper. I urge you to think about this bill. For those who asked the question that has been asked twice now, did the Education Committee dwell on this? I would add ad nauseam. We have dwelled on it to the point where as we began the conversation we were skeptical. As we got deeper and deeper into the conversation, we were convinced that this is the highlight, this was the way that we could make a statement to irradiate what has become almost a shame in this state. We have done so little to encourage, particularly the needy, to enter post-secondary. The ramifications of doing so will be infinite. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. A couple years ago in the 119th Legislature we had a report from the president of the University of Maine and also the president of the Technical College System. They held a session here where comments were made and questions were asked of these people about education in Maine. One of the questions that I had asked is how many of our students that go to the University of Maine stay in the state? There was sort of a pause and the reason for the pause is that more than 90 percent of the people we educate in our higher learning institutes in Maine leave the state. The other question that was asked of the technical institutions, of those institutions 95 percent of those graduates stayed in the state. If we are going to spend this kind of money to educate people into higher learning, it seems to me it ought to go somewhere where the people have the opportunity to stay in the State of Maine, rather than educating people and sending them hither and yon. That makes sense to me. If we are going to do that, we might as well put this money towards the University of Maine or in that system. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. As Representative Murphy indicated, I, too, was surprised by this proposal, not having heard any public discussion. It is late and this is serious stuff. Using our bonding authority essentially to give scholarships, that is where the money is going to go, we are going to collect it and give it to an

institute and they are going to give it away is an incredible proposal to me. I can't believe it. The Maine Health and Higher Education Facilities Authority, I talked to the executive director this afternoon. In the 30 years they have been in existence, they have floated plenty of bonds, nursing homes, hospitals, dormitories, classrooms, private institutions, public institution, but nothing like this. This is a serious significant way to deal with financing. This is worse, in my opinion, than the Government Facilities Authority. Not only are we not asking the people to vote on this, but we are going to give the money away. What are we going to have in return? Educated people. Okay, I guess that is our choice. I think in terms of the bonding authority being used as buildings and more tangible things. This is a serious difference. Whether you call them grants or scholarships or whatever, we are giving the money away. We will have nothing in return except payments, payments out of the general fund. I mentioned the other night that our debt service is now \$165 million a year for tax-supported debt. We have floating around here somewhere between \$140 million and \$180 million more debt that is proposed to go out to the voters, but this isn't even going to go out to the voters. I can't believe this. I really can't. If we are going to do this, we ought to find some other way of financing it.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would like to respond to my good friend from Acton, Representative Nass. I was perusing the Constitution and found Article 8, Part First, Section 2, states that for the purpose of assisting the youth of Maine to achieve the required levels of learning and to develop their intellectual and mental capacities, the Legislature by proper enactment may authorize the credit of the state to be loaned to secure funds for loans to Maine students attending institutions of higher education wherever situation and to parents of these students. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. The key word in that whole phrase was loan.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I heard about business and what the businesses are telling you. I do know something about business. I am involved with 18 of them with revenues that are way up there. I will tell you what business thinks. This is such a scam I can't believe it. What about fiscal soundness? You are going to take public money to give to some organization that says they are going to get matching funds, but it doesn't say anywhere in there what they do if they don't get matching funds. It doesn't say anything about that they have to pay it back. We are going to pick up the debt service on it at the tune of over \$1 million and they don't have to pay it back. That is good public policy. I can't believe it. We borrow money. The state will borrow money for some non-profit organization and they don't have to pay the interest, we pick it up.

May I ask a question? Has this foundation raised any money for matching funds? If they have, do we know how much it is? Do we know who is on the board of directors to find out what they are going to do with the money?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bruno, Representative Orono.

Representative **THOMAS**: Mr. Speaker, Ladies and Gentlemen of the House. Having been present at the public hearing for this bill, Senator Mitchell said that he had already gotten promises of matching funds, I believe, in the neighborhood of \$7 million. That was his promise.

Subsequently, **Committee Amendment "A" (H-656) as Amended by House Amendment "C" (H-751)** thereto was **ADOPTED**.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I heard of other promises to raise money before too, matching funds. Have you seen those yet? A promise is just that, a promise. It is not a guarantee. We are going to use Maine Health and Higher Education Facilities Authority here that two years ago was in severe trouble because of the nursing homes that borrowed up to \$200 million and we have nursing homes closing every month in this state. What is going to happen to Maine Health and Higher Education Facilities Authority then? We are asking them to take on another \$7 million in debt. This is bad public policy. Mr. Speaker, I ask for Indefinite Postponement of this bill and all accompanying papers.

Representative BRUNO of Raymond moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative COLWELL of Gardiner **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 Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I have heard great cries of incredulity from the other side of the aisle of what an amazing thing it is to do. What a scam. What a horrible thing to do. I am just amazed. What is the worst possible thing that could happen here is that some poor kid, some low-income kid from rural Maine might be able to get a college education. Gee, I don't know. I thought that is what we were here to do and take care of that kind of stuff. There were a number of questions asked by the good Representative from Kennebunk about how many potential foundations are out there. I don't know how many are out there, but I do know of half a dozen or ten or so that already receive state funds. As a matter a fact, earlier today we voted for a research and development bond issue that will go to private companies to grow jobs, give people work, to bring Maine's economy out of the industrial age and all of those maturing industries that we are losing jobs on and bring them into the new economy and those kids that use to go to work in the shoe shops and the textiles shops. Mills now need to go a college and we are going to be able to get \$6 million or \$7 million of matching money, matching funds, from this foundation, which is overseen by the Attorney General's Office. There is legal oversight. We can get you a list of the names of the people on the board of directors. I know Senator Mitchell. I think many of us in this chamber do. I am sure those are upstanding individuals on that board. I don't think they are the people running the carnival down on the waterfront. The simple fact of the matter is perhaps we are taking a risk, but I am in business too. If I had an opportunity to get \$7 million to invest in my business, and the business of this Legislature is growing a new economy for this state. It is providing education. It is getting the resources for Maine working families so they can make that leap and raise that level of aspirations, send their children to college. It is hard. I just did it. A lot of families don't think they can do it. This terrific,

in my mind, piece of legislation will help. It may not be the answer to all the problems we have, but I just don't see how you can go wrong if you are going to be able to provide financial help to kids, Maine kids, that want to go on to higher education. Thank you Mr. Speaker.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I was pleased to receive a letter from the Maine Independent Colleges Association, that each of us have, from one of my constituents, a very good friend of mine, William Beardsly. Peter Husson, from Husson College, original family is a constituent of mine in Green Lake. I was happy to see their support of this bill. That goes a long way to convince me to support this bill. I joke with President Beardsly because we really couldn't be anymore different politically. He always jokes with me that he really isn't a liberal. I suppose I am, they say. People from all over the political spectrum, I am glad to see, support this bill, particularly the people at Husson College that have done a wonderful job. It is a premier business school. It put a lot of people into Maine business as it is with a high reputation have benefited from the academic prowess of Husson College. I urge this body to support this bill. It is very important and it can only help.

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

Representative **BUMPS**: Mr. Speaker, Ladies and Gentlemen of the House. I have been practically sick over this all day. I have been more worried about this vote on this issue than I ever was about the Part I Budget or the Part II Budget or NOW or any other issue that we have debated in this session.

The reason I am concerned about it is in my opinion access to higher education is, despite what you have heard from some of my colleagues, the single most important factor to our business community, the single most important factor to the social fabric of Maine's villages, towns and cities. I am absolutely positive that it is the single most important factor to the state of our economy.

Having said all that, I agree entirely with the Representative from Kennebunk that the Maine Health and Higher Education Facilities Authority isn't the appropriate vehicle to carry out this funding. It was never intended to be used in this way. It shouldn't be used in this way. I hope you won't stop listening because I think you will be pleased in what I have to say at the end.

The reason I have been sick and the travesty that we are poised with here this evening is we are about ready to leave \$6 million worth of private money from the private sector sitting on the table when there are students in Maine who need access to higher education and who, in many cases, are denied that access because they don't have the ability to pay for them. You will hear that the money hasn't been raised yet and that the money might not be there. I can assure you one thing, if we don't put the money up, the money won't be there. It is part of the deal, like with many other things that we have done in this chamber already this session. It is part of the deal with the Technology Fund that we established. We put some money aside for that didn't we? We told someone downstairs that they need to go out and raise some money in order to get it. That is exactly what this bill seeks to do.

We can, I am convinced, if we had a little bit more time, find another way to finance this. You might have noticed in the last few days there has been a trend around here that when something is absolutely critical enough, we buckle down and we find a way to pay for it. That Part II Budget that we passed, that some of us passed, hasn't been signed, at least to my

knowledge. There is some question in the Chief Executive's Office as to whether or not there may be money in other places to help support at least parts of this. I think what I am asking you to do is to give us a bit more time. I know some of you want to go home. I want to go home worse than anyone. There are students in Maine that need access to higher education. The only way they are going to have that access is if they can afford to pay for it. I completely disagree with the fact that students who go to school here leave the state in large numbers. People who go to school here stay here. People who go to school here stay here to work here. People who go to school here stay here to raise families here. People who go to school here stay here to serve in the Legislature here. There are other options. The authority is just one. It is not the best one. It is not even a good one. I would ask you to vote against the motion to Indefinitely Postpone so that we can have just a bit more time to find the right one, the right amount of money and the right way to finance it. If you look at our track record over the last few days, we have had a pattern of doing that. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I guess I have to say, I am at a loss for words here, that I agree with the Representative from China, Representative Bumps. This bill is not about going to college. This bill is how you are going to set up a scholarship fund and where you are getting the money from. My daughter is leaving in two months and going to college out of state. She is not eligible for this scholarship and that is okay, but the fact of the matter is I think every kid who graduates from high school ought to go to college, but that is not what we are debating here. We are debating a loan fund. There was a movie a couple of years ago that said, show me the money. That was a popular phrase. I don't even know how long ago it was. Show me the money. Everybody was running around saying show me the money. We put the Chief Executive in the position in the Part I Budget, that said if you don't do this by a certain day, you lose it. This bill doesn't take that same posture. That is what we did. We said you have until this time to raise this amount of money or you lose it. Why can't we do it with this bill and not rely on promises from some foundation that we don't even know where they are located. The world has promises all the time, not all of them are lived up to. Why can't we say we will set aside \$6 million for you when you come up with \$6 million here it is? Why can't we do it and say you have until this date to do it, but we need a better funding mechanism than to pick up more debt in this state from a fund that is teetering on the brink of bankruptcy because we loaned so much money to nursing homes.

I will withdraw my Indefinite Postponement if somebody will make a tabling motion for a better amendment, a better funding source. I know it is late and it is the end of session, let's carry this bill over. There is no immediate cause to do this right now. Thank you Mr. Speaker.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I think if every member of this House had an opportunity to speak this evening, they would talk about the importance of higher education. I have just completed a career where my whole energy went into opening up doors for young people, whether it was college, university, technical college or the opportunity for education programs in the military. In 13 years I have voted for every scholarship and every loan program that has come through this House. My concern is the process that you are laying out. We are stewards of the public money. This flies in the face of that. If you can bring to us, either through

FAME increased money available for loans, we have state agencies currently working very effectively getting that money out to students in a very poor state. I am a beneficiary of that. For the first 10 years of our married life, my wife and I didn't have a life because I had 10 years of college loans to pay. I had to work a second job on top of the teaching for 10 years, but those loans allowed me to achieve my dream and I did it willingly. I am a beneficiary of that. My concern is that in our haste we are finding the wrong way to disperse that money. I don't know if the best route would be that if we can't come up with a more responsible, controlled by the public, approach, then we should commit this bill. I think it is a good bill. The problem is the funding source and the accountability. If we need to commit back to committee, take that time this summer and fall and come back in January with public safeguards if we are going to go the route of the foundations, or maybe additional investment through FAME. We are rushing at a late hour and I am afraid the haste is going to cause us to step back from our stewardship responsibilities.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. I am a little unclear. I thought I heard the gentleman from Orono say that he heard George Mitchell at a hearing and he promised to raise \$6 or \$7 million and I would like someone to confirm that that was there. Secondly, is it true that this is seed money? This should be a one-time funding after which the scholarship fund will continue on its own.

The SPEAKER: The Representative from Auburn, Representative Michael has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I certainly was not present at that hearing, that is why I waited to respond. I can't respond to the first part of your question. My understanding is that this would be seed money. I am to endow this and to allow it to continue in the years out. I also wanted to respond to an earlier question that I didn't have the answer to at the time, but actually do now. It was either Representative Bruno or Representative Murphy who asked the question regarding the board of directors of the Mitchell Institute. I have that information now and there are 10 or 15 names. If you want, I will read them to you. Well even if you don't want, I am going to read those to you. Robert Atkins, Kevin Healy, David Ott, William Hiss, Mary Friedman, Robert Barrett, Janet Mitchell, David Johnson, Harold Pacious, Tim Agnew, Staples Waldren, Estelle Lavoie, Andrea Mitchell, Barbara Keiff, Duke Albanese, Pat Eltman, Denny Galdette, Tom Walsh and Patricia Reilly are the members of the board of directors at the Mitchell Institute.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question from the Representative from Auburn, the commitment during the public hearing was that the money was raised to match one to one. We did hear that directly from the Senator. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Old

Town, Representative Dunlap, earlier had pointed out the Constitution of Maine. I went to that portion of Section 2, under Article 8 and continued reading. "Funds shall be obtained by the issuance of state bonds when authorized by the Governor, but the amount of bonds issued and outstanding shall not at one time exceed an aggregate \$4 million." I believe we are looking at the figure of \$7 million. I was wondering if we are not in opposition to what the Constitution says here, are we at least breaking the spirit of it, if anyone would care to answer? Thank you.

The SPEAKER: The Representative from Berwick, Representative MacDougall has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to try very, very hard not to raise my voice tonight. I am going to tell you that I have been, like the good Representative from China, been sick over this legislation. This has been churning in my stomach for the last few days, and particularly last night. I am not exaggerating when I tell you I have lost sleep over it. I have worked on it for hours today. I am heart sick about the way this whole thing is taking shape. The reason I feel that way is because there was much merit and much good in the original bill.

The original proposal created a scholarship foundation over which we, the Legislature, the State of Maine, had some control. It was an excellent proposal and commend the Speaker for the work he did to design the original legislation. The problem is that we moved away from that. We moved away from that because of concerns about funding. What has happened in the last five or six hours has been like watching clouds change shape in a thunderstorm. I have prepared testimony to present in at least four different scenarios because that is how fast this legislation was changed this afternoon. LD 1043 was amended by Committee Amendment "A". Since then there have been, although they have not all been presented to us, House Amendment "B," "C," "D," "E," and Senate Amendment "A" and the point is that we were searching desperately. I know the Speaker was searching desperately because he knew he had a proposal that was going to help the people of the State of Maine.

I want with all my heart to support the Speaker in this endeavor, but I don't see the opportunity here. I am forced into a position where I am speaking in favor of an Indefinite Postponement when what I would like to see is a tabling motion and a commitment to send this bill back to committee so that we can go back to the original legislation and work on funding for that. I am pleading with you to help us show us a way out of this problem. This is the sort of thing that in my brief time in the Legislature happens to us in the last day or two days of the session.

Since I am forced to speak to the Indefinite Postponement, I am going to ask you to consider the following concerns. One concern that has already been raised and it is perfectly valid, is this the proper use for the Maine Health and Higher Education Facilities Authority bonding? This bonding, to the best of my knowledge, has never been used for anything, except facilities, brick and mortar bonding in the past. We are now launching off in a whole new direction.

What about the issue of general fund money being used to pay the debt service? We are giving \$6 million to a private foundation. Six million dollars of the taxpayer's money and then we are asking the taxpayers to pay the debt service on that.

I have another issue that hasn't been raised yet. That is, why are we discriminating against Maine residents who wish to go to school out of state? These scholarships will only benefit students attending school in state. I know that a number of you

attended school out of state. Wouldn't you have liked to have been able to apply for a scholarship. Maine parents and Maine taxpayers are going to foot the bill for this and if their kid goes to Brown, Syracuse or to UVM, why are we excluding them? Why are we discriminating against them?

For those of you who were in the 119th, so much of this is déjà vu all over again. We had serious battles over MELMAC and MELA. The arguments that came all had to do with a lack of accountability because there were those people who didn't feel there was enough accountability on the MELA board and enough accountability on the MALMAC board, even though we had representation on those boards. We have no representation on the Mitchell Foundation. We just heard the list from the good Representative from Harpswell of the people who serve on that board. They are all fine people. Who would deny that? Those are good people, but they don't report to us. We have no accountability from them. We don't even know the criteria. If we ask, I am sure they will tell us. We don't know the criteria that they are going to use to even award these scholarships. Shouldn't we have some input into that?

I am going to stop because I really am very heartsick over this whole thing. I just wish there was a way out of this. I don't see the way out. If someone can lead us in that direction, you would have my gratitude and my thanks and I would work with you 100 percent to try to bring this bill back in a form that we could all support it and so that we could get 151 green lights. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno. 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 **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. I withdraw my motion to Indefinitely Postpone and further move that this bill and all accompanying papers be committed to the Committee on Education. I will give you my wholehearted support that we will support a Joint Order to do that.

Subsequently, Representative **BRUNO** of Raymond **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

The same Representative moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Representative **NORBERT** of Portland **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I have just been listening to some of the best debate on higher education that I could possibly have been privileged to hear. The challenge we have before us tonight is that everybody who has spoken, the Representative from Kennebunk, the Representative from Raymond, especially the Representative from China, the Representative from Harpswell and the

Representative from Gardiner. You are all right. I am heartsick too. I have worked very diligently with the Education Committee. I think we must have had seven or eight work sessions. We came out with a great piece of legislation. Since this bill is being passed to be engrossed, I can talk a little bit about the whole bill. The concept is to create the Maine Scholarship Foundation, which the primary goal was to help draw private funds into a centralized state scholarship entity to help Maine kids go on to higher education. The secondary function was to allow qualified recipients, those recipients through a board though some state control would review and make sure that they had qualified with a minimum of \$50,000 in matching funds to be matched with public money to go onto higher education. It was going to be funded through lapsed balances or unallocated surplus so that the money that the state didn't feel it needed to spend at any given year would go to help our kids or our displaced workers or those people who simply just wanted to better themselves, but Maine citizens and, yes, limited to going to Maine schools, public and private, to get a better education. Why? Why would we do that? I think the point has been made pretty well.

I came out with this concept as this is the winning ticket. I thought of this bill as a lottery ticket that we could win. Why did I do that? Over a lifetime a person with a high school degree compared to a person with a college degree, that person with a college degree will earn, according to the US Census Bureau, over \$1.3 million more. If you go today and ask the Maine Metal Trades Association how many jobs are going wanting for a college graduates trained in their field, it is in the thousands, \$40,000, \$50,000 a year jobs. If we are going to transform the Millinocketts who have lost 40 percent of their population in the last 10 years, if we are going to transform them, the only way we are going to do it is in the classroom. If we are going to change the mill economy in the State of Maine, not do away with the mills, but understand that new technology is going to be a part of those mills. The only way we are going to do it is through the classroom. If we are going to diversify our economy in the State of Maine and make sure people have access to high wage jobs, whether it be research and development or high tech or information technology, the only way we are going to do it is through the classroom. There is no choice but to educate Maine people.

There is debate whether we educate enough of our young people and they go on to higher education, but there is no debate that Maine leads the nation in exporting our children to go to schools out of state, exporting our kids to get jobs out of state. There is no debate about that. We lead the entire nation. According to my statistics, only 19.2 percent of Maine kids go on to get a college education. That is last in New England and in the last five to 10 in the country.

Here we are today. We are faced with Hobson's choice. I agree. I think it is a tough day. Why did I ask the Representative from Harpswell, Representative Etnier, to bring this amendment forward? I thank him for it. This is a moment in time. I tried everything I could to figure out how to hold this bill over so that we could work on it and so that we could look at maybe making this into loan repayments to offset Stafford Loans and maybe apply it to kids that go to school out of state if that was a better way to do it. I am open. I want to make it work. I want it to work for Maine kids. I want to bring kids home. I want to develop the economy in the State of Maine and I want to do it with an educated workforce. I am open to it. Why do we have this one amendment left? I sat with Republicans and Democrats in my office on the Education Committee and I sat with members of the other body and I came to the sad realization that this is the last and only chance that we have to capture some resources that will not be available any other way.

The Representative from Kennebunk and I sat about a year and a half ago in my office as the Majority Leader with the Republican and Democratic leadership and we listened to the pleas of Senator Mitchell after he gave a talk here in this chamber following his triumphant returning from working in Northern Ireland. What he said to us was I have just secured \$6 million. I believe that the only way I can get this money, not through other private matching grants, not through any other means, but through a public commitment that shows that the State of Maine wants to help Maine kids. This \$6 million is coming from a guy from California who has absolutely no interest in our state. He has an interest in Senator Mitchell. He is an admirer of Senator Mitchell. He is an admirer of Senator Mitchell's passion to educate our kids, just as a lot of us here are. That money from that man is contingent, explicitly on State of Maine public dollars going to match that money.

What did we decide last year? We decided we only had enough money to match \$2 million of other California money that came from Barney Osher. One million dollars of that was matched to \$2 million for the University of Maine Foundation and \$1 million of that was matched by \$1 million public money for the Maine Technical College Foundation. They have been doing incredible things with that money.

I put my head together this year and I had hoped that this foundation would work. I wanted it to be included in the budget. It was a poison pill for some members who were trying to pass the Part II Budget. They would not support it. I could not include it. It was a non-starter. I could not include it. They would not accept it. I wanted it in there, but they wouldn't do it.

Where are we? If this money doesn't come this summer to match the \$6 million that the Mitchell Institute has and the additional \$1 million that Barney Osher has promised to the Maine Technical College and the University of Maine, that \$6 million plus \$500,000 for each of those systems, then the money is gone. There are no matching funds. I promised this body and I promised the members across the aisle who have spoken so eloquently and whom I agree with that I do want to come back and create a Maine Scholarship Foundation. I do want to look at loan repayment as a way to do this. I see that we are in a position in a moment of time. Would I prefer it to be a Maine Health and Higher Education Facilities Authority bond? You bet I do. Do I think it is unprecedented? I don't think it is unprecedented. I do think that this morning we passed money to give Jackson Labs matching money and money to draw down other grants. I do think that we passed money for the Maine Medical Research Institute. I do think we have done it for Bigalow Labs and I think we did it for Epscore. I think we have done state money for private entities to match money or for private non-profit foundations. I don't think it is perfect, but I think it has to happen.

I hope that we will not commit this bill because if we do, the only commitment we will have made is to turn away the \$6 million. That is the only commitment we will make if we vote to commit tonight. I think this debate has gone on for a very long time. It has been, in some ways, inspirational to me. I hope that wherever we go, whether we decide to commit or not, can move forward so that we can adjourn sine die and enjoy our families and try to get back to our lives. I hope you will consider my very sincere and impassioned plea for help in this matter.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **BOWLES**: Mr. Speaker, is there not time to have this bill go back to the Education Committee and have that committee review this bill prior to Veto Day and still be able to fulfill the time commitment that the Speaker has outlined for the receiving of the matching funds?

The SPEAKER: The chair will respond not as an advocate for the legislation, because as chair that would be inappropriate before this body. The chair would explain merely as a matter of procedure that as of tomorrow this chamber will be sealed and the chair does not anticipate this Legislature reconvening for a Veto Day because the facilities are unavailable. This may be the only matter the Chief Executive would veto. If that is so, we will not be in to override it. We will have to accept that matter.

The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have been agonizing on this bill as well. I will be voting against the motion to Commit, as I voted against the motion to Indefinitely Postpone, assuming the motion to Commit doesn't pass, I will be voting against the other motion to Indefinitely Postpone.

However, I do have some serious concerns about this legislation. We went through the last session, the good Representative from Sanford, Representative Bowles, mentioned it. It was quite a bitter partisan battle regarding MELA, MALMAC and MES. They were three organizations that were doing great work for students. It was great work for students in Maine to go on to higher education. It became a mess and a battle because these groups that had great people on their boards, including former Governors of both political parties. They were not accountable to the people for the money they used. I think that is a serious problem with this legislation. I am hoping, putting my faith, that before enactment something will come through that will perhaps put some public members on the board that will be running this foundation or some kind of accountability to us, the public. More importantly, some language in this bill that will require that if matching money does not come through from this entity in California, that this money will be returned to the State of Maine to pay back those bonds. Those are things I think are not unreasonable.

We had a bitter battle where there is still some bad blood from last year. I stood firm with the other side of the aisle on the MELA, MALMAC and MES issue. It is wrong to give this kind of money to a private entity without some accountability. I am asking that we do the same here. We need to have some kind of public membership, accountability for this money. I have been consistent on this. I hope that everyone else will be consistent as well. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. On a personal note, over the last few years I have had an opportunity to work with you on education issues and I know working with you privately how deep the passions go. Although it is late and everyone is tired, I appreciate you leaving the rostrum. I think as Speaker you can get bogged down in administrative details and kind of keeping us all in check. I appreciate your leaving the rostrum and going to the corner and speaking on the record your deep passion on this issue. Thank you.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I would just like to respond to the question that the good Representative from Sanford, Representative Bowles, asked about why Maine students attending out-of-state schools should not be beneficiaries of this fund? One of the reasons I was told was that students tend to remain as residents in locations close to where they were educated. As a compromise this bill as it is currently drafted would apply only to people attending Maine schools so that we would get the benefit of the money that we had invested in these students rather than having them run off to Massachusetts or Kansas.

I think we have a unique opportunity here. I acknowledge the private enterprise. It came to the Legislature and was smart enough to hold us up for some matching funds. It is a one-time public investment of us. I am not particularly fussy about bond issues. This will be the first one in many years I have voted for. I am not too fussy about spending money in general. This seems like a good investment. For those who say, show me the money, I can tell you if George Mitchell said that he would find the matching funds for \$6 or \$7 million, he will find the money.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Very briefly, as the recipient of the largest of such an organization in my lifetime, I know that this is the most important thing for hundreds of people out there. I want to also commend the Speaker too for this action. Personally, I am going to vote not to commit to the Education Committee and to go ahead and to pass this tonight. It comes with the highest calling card, that of George Mitchell and his efforts. I think that it can be done and I think we should move forward. This is an excellent opportunity for us. We do have precedent that has been set before. It just hasn't been done in education. I think that we can move forward. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Commit the Bill and all Accompanying Papers to the Committee on Education and Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 458

YEA - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, McKenney, McLaughlin, McNeil, Murphy T, Nass, Nutting, Perkins, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Canavan, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Tuttle, Usher, Volenik, Mr. Speaker.

ABSENT - Andrews, Bagley, Bryant, Buck, Bunker, Carr, Cote, Crabtree, Daigle, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine,

Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Smith, Twomey, Watson, Wheeler GJ, Young.

Yes, 42; No, 77; Absent, 32; Excused, 0.

42 having voted in the affirmative and 77 voted in the negative, with 32 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "C" (H-751)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER - Relative to specified matters held over to any special or regular session of the 120th Legislature.

(H.P. 1388)

PASSED in the House June 20, 2001.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-400)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge

(H.P. 1395) (L.D. 1831)

Presented by Representative **FISHER** of Brewer.

Cosponsored by Senator **TREAT** of Kennebec and Representatives: **COLWELL** of Gardiner, **USHER** of Westbrook.

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

Committee on **TRANSPORTATION** suggested.

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. I understand the value of changing the name, but why is this an emergency that we are getting at this point in time? What is the reason?

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 Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I will try not to mumble so Representative Dunlap will be happy with me tonight. This bill is a result of a conversation that was had at the end of May at the Veteran's Memorial Cemetery. It was a reminder by a World War II veteran that we were approaching the 60th Anniversary of Pearl Harbor's unfortunate occurrence. Over the last few days the Majority Leader and I have talked about it and we finally got all the paperwork necessary to get this through the process.

The Transportation Committee has traditionally on issues like this, requested from the communities directly involved their approval. It has taken time to get a hold of the selectmen of Gardiner and Randolph to take care of this. We have reeled in

all of those approvals. The committee members are in support and I ask for your support too. Thank you.

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1394)

Bill "An Act to Increase Access to Health Care"

(H.P. 979) (L.D. 1303)

(H. "C" H-748 to C. "A" H-639)

- In House, **PASSED TO BE ENACTED** on June 20, 2001.

- In Senate, **PASSED TO BE ENACTED** on June 21, 2001.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-639) as Amended by House Amendment "C" (H-748)** thereto was **ADOPTED**.

On further motion of the same Representative, **Committee Amendment "A" (H-639) as Amended by House Amendment "C" (H-748)** thereto was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-757)**, which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. As a result of a good deal of discussion and negotiations with the Chief Executive, this LD 1303, has been scaled back considerably. It is the product of a compromise that we believe enables us to proceed ahead with some very essential services and at the same time to respect the constraints that the Executive at this point chooses to impose.

I would like to very briefly summarize them. The proposal continues to provide for funding for expansion of health care services to approximately 18,000 childless adults, the so-called non-categorical at 100 percent of the federal poverty level, rather than the original 125 percent of the poverty level. It does provide language for allowing it to go up to 125 percent if, and when, sufficient resources are available. It provides for a 12-month continuous enrollment of children in our current Cub Care Program. It provides for significantly reduced, but some funding for our federally qualified health centers. These are the programs, as you know, that provide very substantial outreach services in our rural areas and are the backbone of primary care for the rural areas of Maine. It requires the department to modify the pending waiver to maximize access to pharmaceuticals, including cancer drugs for elderly and disabled. As you may recall, one of the major objectives of the original bill, LD 1303, was to expand access to cancer drugs for some of these folks. It changes the name of the Medicaid Program to Maine Care. It modifies the Medicaid asset test to make it more reflective of the needs of low-income working people, particularly those in rural areas. It allows people to keep working, to make sure that they have a second clunker to be able to get to work while they are

supporting themselves. What it does not do is it does not provide for increased access through the Cub Care Program to children, which had been hoped to expand to 250 percent of the federal poverty level. It does not provide for the self-employed waiver. It does rely for funding exclusively on a 6-cent increase in the cigarette tax. There is no provision for reliance on the carry back tax as was substantially discussed in this body.

Are we disappointed? Somewhat, yes. Are we disheartened? No. We do believe that a great deal of our progress in health care has been incremental. We think this is another incremental, but important, step along that path to making access to health care more affordable to the people of Maine. Thank you Mr. Speaker.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-757)**.

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 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. To anyone who can answer, the Representative from Saco, Representative Kane, said that this relies on a 6-cent increase in the cigarette tax. Maybe I am reading it wrong, but in the summary it says an increase of 3 cents. Is that three more from the original bill? Is that how it gets to six? Can someone answer that.

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 Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. If you read the summary of the bill it says, three mils, not three cents. There is a difference between mils and cents. Mils, if you know your Latin, means thousands. You have to convert it and it becomes 6 cents, double the mill rate to get to the 6 cents.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-757). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 459

YEA - Ash, Baker, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Canavan, Chase, Chick, Clark, Collins, Colwell, Cowger, Cressey, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Usher, Volénik, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Carr, Chizmar, Clough, Davis, Duprey, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Murphy T, Nass, Nutting, Perkins, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Bagley, Belanger, Berry RL, Bryant, Buck, Bumps, Bunker, Cote, Crabtree, Daigle, Duncan, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Morrison, Murphy E,

Muse C, Muse K, Peavey, Pinkham, Richard, Sherman, Smith, Twomey, Watson, Weston, Wheeler GJ, Young.

Yes, 77; No, 37; Absent, 37; Excused, 0.

77 having voted in the affirmative and 37 voted in the negative, with 37 being absent, and accordingly **House Amendment "A" (H-757) was ADOPTED.**

Representative SCHNEIDER of Durham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

ROLL CALL NO. 460

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bumps, Canavan, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cressey, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Usher, Volenik, Weston, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Carr, Clough, Davis, Duprey, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Murphy T, Nass, Nutting, Perkins, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Bagley, Belanger, Bryant, Buck, Bunker, Cote, Crabtree, Daigle, Duncan, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Sherman, Smith, Twomey, Watson, Wheeler GJ, Young.

Yes, 82; No, 35; Absent, 34; Excused, 0.

82 having voted in the affirmative and 35 voted in the negative, with 34 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-757) 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 Rockland, Representative McNeil who wishes to address the House on the record.

Representative **MCNEIL**: Mr. Speaker, as we get ready to leave tonight, I think a lot of us are really anxious to go, but mixed in that at least for me and several people that I know, there is a little bit of reflection on this session of all the new friends we have made and all the good times and the bad times that we have had. Also, the reflection of our Speaker for this session. On behalf of my caucus, I would like to take this opportunity to thank you Mr. Speaker for the excellent job that you have done. You have conducted yourself with integrity, dignity and a wonderful sense of humor. We have appreciated

the respect that you have shown to each of us. You have been spoken of very highly by Representative Bruno and Representative Schneider in our caucus meetings. As we all look forward to a great rest, we would like to congratulate you on a job well done.

The SPEAKER: On the record. The chair wishes to rebut. It has taken some 11, 12 or maybe 13 gavels since December 6. We have come to a late night many weeks after, frankly; I had hoped that we would all be home with our families. I asked Jane in my office, I am going to have a chance to thank Jane and the rest of the offices in a few moments. I asked her to print out what I had said to all of you on December 6, which is the start of our session. I was reading through it and I thought about what brought us here today a little bit. It was about our families from home and where our values were instilled in each one of us. I also spoke of hope about how we might proceed working together. I have to say in this body that I have been rewarded beyond my wildest expectations with the incredible work and the incredible integrity and the incredible goodwill brought between people of diverse ideology, diverse backgrounds, diverse education and diverse beliefs. I have to say it has been my incredible honor to serve with your leaders on both sides of this aisle. They are men of extraordinary caliber. I spoke a little bit about hoping that this would be the case seven months, 15 days ago and 11 gavels, but I had no idea what tremendous individuals they would be.

They have worked so hard for you to bring common ground together, to make things happen, to respect your individual wishes. It has been an awesome thing to watch. They are very much leaders. They are people who listen hard to each and every one of you, who stand up for what they believe, who seek common ground and common sense and even when we have disagreed in these last few days and these last few weeks, I have been reminded by how incredible they are. First, I want to thank them. I want to thank my friend Joe, my friend Bill, my friend Pat and my friend Bill. I ask the members of this chamber to thank them as well.

I just want to reflect for one more moment before we go too far on this session and say that a few months ago I said, "Today I accept your confidence in me and I am deeply honored. I do so only with the understanding that I am not alone. Only together can we uphold the traditions of this institution." I would have to say that each individual in this chamber has granted to me an enormous opportunity. I think without a doubt that this is the highlight of my professional career. I think it may always be. I think it will always be the best job that I will ever have in my life. You have made it so. We have had some unusual circumstances from time to time in this body this year. We tried to have humility, civility and have a sense of humor.

He is not here with us right now, but one of the guiding forces for me this session and I hope you will pause this summer to say thank you to him, Joe Mayo. Joe Mayo has been a mentor to me and so much more. He has really helped us understand how to move forward. He has kept a guiding presence for both the Clerk of the House and myself at all times when we were a little bit lost and when we were unsure of the precise procedure. We kind of knew where we were going, but we weren't quite sure how to get there. He has embodied this institution in a way that I will never forget. I ask that as you come back for your committee meetings or study commissions this summer that you thank him for making this a civil and wonderful session.

We set out a few goals for ourselves at the beginning of this session. We talked about access to education and access to health care, domestic and sexual violence, we talked a little bit

about improving our infrastructure and passing legislation to help roads, railroads and ferries. I think as you look back on what your personal goals were, whether it was economic development, advancing the economy or whether it was trying to hold the line as best you can on tax increases or whatever your priority was, I think that if you look back on this session, you will find it has been rewarding one for you. It has certainly been a rewarding one for me.

I just want to thank the members of this body one more time for their incredible service to the people of the State of Maine. I don't think they have any idea what you have been through and how we bond as a family in this chamber. You make an amazing difference in the lives of ordinary people each and every day through your actions in this chamber. You touch them in ways they will never know. You struggle with issues and you try to understand where they want you to be and you try to get there. I want to thank you on behalf of those people out there, those 1.2 million, or the 6,500 to 8,500 people in your hometown or your district, regardless of your ideology, regardless of what your goal was for this session, you have put forth an enormous effort and have made this institution continue the tradition of honor that makes this institution what it is. Thank you so much for your tolerance, your good humor, your hard work, your civility. You have very, very much to be proud of. I thank you all for your excellent works.

ENACTORS
Resolves

Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge

(H.P. 1395) (L.D. 1831)

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

ENACTORS
Acts

An Act to Increase Access to Health Care

(H.P. 979) (L.D. 1303)

(H. "A" H-757)

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

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

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

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby it voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

(S.P. 422) (L.D.

1378)

On further motion of the same Representative, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

ROLL CALL NO. 461

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Usher, Volenik, Weston, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Carr, Clough, Cressey, Davis, Duprey, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Murphy T, Nass, Nutting, Perkins, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Belanger, Bryant, Buck, Bunker, Chase, Cote, Crabtree, Daigle, Duncan, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Morrison, Murphy E, Muse C, Muse K, Peavey, Pinkham, Richard, Sherman, Smith, Twomey, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

Yes, 80; No, 34; Absent, 37; Excused, 0.

80 having voted in the affirmative and 34 voted in the negative, with 37 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **MENDROS**: Mr. Speaker, I have to admit that when you became Speaker, I did not have a lot of faith that you would be fair. I was not very excited about the prospect. I even walked out so as not to be in the room for the vote. I admit that. I will tell you now, thank you for proving me wrong. I have been very impressed. Thank you for calling on me, as much of a pain that I am. You understand it means a lot to me. You know what I am trying to say. It really means a lot to me. I have gained so much respect for you. I didn't think it was possible for me to respect somebody as Speaker that I liked and respected when they went into the job as I do you know. Thank you very much.

After Midnight

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

ENACTORS
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$36,700,000 for the State's Public Universities, the Maine Maritime Academy and other Public Learning Centers
(S.P. 422) (L.D. 1378)
(S. "A" S-373 to C. "A" S-350)

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

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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 462

YEA - Annis, Ash, Baker, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Clough, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Etnier, Foster, Fuller, Gerzofsky, Green, Hall, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Richardson, Rines, Rosen, Savage, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Usher, Volenik, Weston, Mr. Speaker.

NAY - Cressey, Glynn, Kasprzak, MacDougall, Nass, Schneider, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Belanger, Bryant, Buck, Bunker, Chase, Collins, Cote, Crabtree, Daigle, Dugay, Duncan, Estes, Fisher, Gagne, Goodwin, Gooley, Haskell, Hawes, Hutton, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Madore, Marrache, McGlocklin, Morrison, Murphy E, Muse C, Muse K, Nutting, Peavey, Pinkham, Quint, Richard, Sherman, Smith, Twomey, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

Yes, 97; No, 8; Absent, 46; Excused, 0.

97 having voted in the affirmative and 8 voted in the negative, with 46 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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 (8) **Ought Not to Pass** – Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-475)** – Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Deappropriate Funds for Dues of the Legislature and Governor and Out-of-State Travel by the Legislature"

(H.P. 860) (L.D. 1132)

TABLED – May 21, 2001 (Till Later Today) by Representative BERRY of Livermore.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Increase Access to Higher Education"

(H.P. 799) (L.D. 1043)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-751) in the House on June 21, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "B" (S-401)** thereto in **NON-CONCURRENCE**.

Representative BOWLES of Sanford moved that the House **RECEDE AND CONCUR**.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge all of my colleagues to unanimously support this motion. I would extend my congratulations to the Speaker and compliment him on his willingness to compromise on this issue and I think it is a good piece of legislation that I think has resulted from it.

Representative BRUNO of Raymond **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. 463

YEA - Annis, Ash, Baker, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Green, Hall, Hatch, Heidrich, Jacobs, Jodrey, Jones, Kasprzak, Koffman, LaVerdiere, Ledwin, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Volenik, Waterhouse, Weston, Mr. Speaker.

NAY - NONE.

ABSENT - Andrews, Bagley, Belanger, Bryant, Buck, Bunker, Chase, Cote, Crabtree, Daigle, Dugay, Duncan, Estes, Gagne, Goodwin, Gooley, Haskell, Hawes, Honey, Hutton, Kane, Labrecque, Landry, Laverriere-Boucher, Lemoine, Lovett, Marrache, McGlocklin, Michael, Morrison, Murphy E, Muse C, Muse K, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Quint, Richard, Sherman, Smith, Twomey, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

Yes, 103; No, 0; Absent, 48; Excused, 0.

103 having voted in the affirmative and 0 voted in the negative, with 48 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Acts

An Act to Increase Access to Higher Education
(H.P. 799) (L.D. 1043)
(S. "B" S-401 to C. "A" H-656)

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.

COMMUNICATIONS

The Following Communication: (H.C. 307)

STATE OF MAINE

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

June 18, 2001

The Honorable Michael H. Michaud, President of the Senate

The Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	75
Unanimous Reports	55
Ought to Pass	2
Ought to Pass as Amended	28
Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	14
Carry Overs	4
Joint Study Orders	1
Joint Resolutions	1

Respectfully submitted,

S/Sen. Richard Kneeland

Senate Chair

S/Rep. Linda Rogers McKee

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 308)

STATE OF MAINE

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

June 21, 2001

The Honorable Michael H. Michaud, President of the Senate

The Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	119
Unanimous Reports	86
Ought to Pass	12
Ought to Pass as Amended	32
Ought Not to Pass	39
Referred to Another Committee	3
Divided Reports	11
Carry Overs	22

Respectfully submitted,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 309)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

June 16, 2001

The Honorable Michael H. Michaud, President of the Senate

The Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	104
Unanimous Reports	69
Ought to Pass	3
Ought to Pass as Amended	23
Ought Not to Pass	42
Referred to Another Committee	1
Divided Reports	28
Carry Overs	6
Joint Resolutions	1

Respectfully submitted,

S/Sen. Lloyd P. LaFountain, III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 310)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

June 18, 2001

The Honorable Michael H. Michaud, President of the Senate

The Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	90
Unanimous Reports	69
Ought to Pass	6
Ought to Pass as Amended	30
Ought Not to Pass	33
Divided Reports	12
Carry Overs	7
Joint Study Orders	2

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 311)

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

June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	128
Unanimous Reports	96
Ought to Pass	6
Ought to Pass as Amended	35
Ought Not to Pass	53
Referred to Another Committee	2
Divided Reports	21
Carry Overs	8
Bills Pursuant to Joint Order	2
Joint Study Orders	1

Respectfully submitted,
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. 312)

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	131
Unanimous Reports	88
Ought to Pass	7
Ought to Pass as Amended	31
Ought Not to Pass	47
Referred to Another Committee	3
Divided Reports	30
Carry Overs	9
Joint Study Orders	1
Bills Pursuant to Joint Order	1
Joint Resolutions	1
Returned Pursuant to SP 647	1

Respectfully submitted,
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. 313)

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

June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	173
Unanimous Reports	126
Ought to Pass	7
Ought to Pass as Amended	50
Ought Not to Pass	69
Divided Reports	28
Carry Overs	16
Joint Study Orders	2
Jointly Referred Bills	1

Respectfully submitted,
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. 314)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	88
Unanimous Reports	62
Ought to Pass	5
Ought to Pass as Amended	20
Ought Not to Pass	36
Referred to Another Committee	1
Divided Reports	19
Carry Overs	6
Bills Pursuant to Joint Order	1
Respectfully submitted, S/Sen. David L. Carpenter Senate Chair S/Rep. Matthew Dunlap House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 315)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

June 20, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Judiciary during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	126
Unanimous Reports	74
Ought to Pass	8
Ought to Pass as Amended	30
Ought Not to Pass	36
Divided Reports	43
Carry Overs	7
Joint Study Orders	1
Jointly Referred Bills	1
Respectfully submitted, S/Sen. Anne M. Rand Senate Chair S/Rep. Charles C. LaVerdiere House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 316)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON LABOR**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session

of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	119
Unanimous Reports	74
Ought to Pass	4
Ought to Pass as Amended	25
Ought Not to Pass	44
Referred to Another Committee	1
Divided Reports	35
Carry Overs	9
Joint Study Orders	1
Respectfully submitted, 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. 317)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	127
Unanimous Reports	87
Ought to Pass	3
Ought to Pass as Amended	21
Ought Not to Pass	63
Divided Reports	30
Carry Overs	4
Bills Pursuant to Joint Order	4
Joint Study Orders	1
Joint Resolutions	1
Respectfully submitted, S/Sen. Neria R. Douglass Senate Chair S/Rep. John L. Tuttle, Jr. House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 318)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

June 16, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	58
Unanimous Reports	41
Ought to Pass	2
Ought to Pass as Amended	19
Ought Not to Pass	20
Divided Reports	12
Carry Overs	3
Joint Study Orders	1
Jointly Referred Bills	1

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 319)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	76
Unanimous Reports	64
Ought to Pass	4
Ought to Pass as Amended	30
Ought Not to Pass	29
Referred to Another Committee	1
Divided Reports	4
Carry Overs	3
Bills Pursuant to Joint Order	3
Joint Study Orders	2

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 320)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	93
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Unanimous Reports	60
Ought to Pass	5
Ought to Pass as Amended	20
Ought Not to Pass	35
Divided Reports	24
Carry Overs	6
Bills Pursuant to Joint Order	3

Respectfully submitted,
S/Sen. Peggy A. Pendleton
Senate Chair
S/Rep. Martha A. Bagley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 321)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TAXATION**

June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	166
Unanimous Reports	148
Ought to Pass	1
Ought to Pass as Amended	31
Ought Not to Pass	110
Referred to Another Committee	6
Divided Reports	10
Carry Overs	5
Bills Pursuant to Joint Order	3

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 322)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	129
Unanimous Reports	112
Ought to Pass	8
Ought to Pass as Amended	45
Ought Not to Pass	58
Referred to Another Committee	1
Divided Reports	11
Carry Overs	2
Joint Study Orders	2
Joint Resolutions	1
Jointly Referred Bills	1

Respectfully submitted,
S/Sen. Christine R. Savage
Senate Chair
S/Rep. Charles D. Fisher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 323)

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers	58
Unanimous Reports	41
Ought to Pass	1
Ought to Pass as Amended	26
Ought Not to Pass	14
Divided Reports	11
Carry Overs	4
Joint Study Orders	2

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

READ and ORDERED PLACED ON FILE.

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

The Speaker appointed Representative COLWELL of Gardiner on the part of the House to inform the Senate that the House was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House was ready to receive any communication that he may be pleased to make.

Representative BERRY of Livermore
Representative MAILHOT of Lewiston

Representative TESSIER of Fairfield
Representative BRANNIGAN of Portland
Representative ETNIER of Harpswell
Representative JONES of Greenville
Representative NASS of Acton
Representative WINSOR of Norway
Representative BELANGER of Caribou
Representative ROSEN of Bucksport

Subsequently, the Committee reported that they had delivered the message with which they were charged.

Governor KING: I will be brief or you guys will carry me out of here. I am not going to take long. I just wanted to say a couple of things. The first thing is to say thank you. The second thing is to give my compliments to Mr. Speaker, to the leadership of both parties who I have met with and worked with on an ongoing basis during this entire session and to many of you. I think just about everybody here has been in or out of my office at some time or another during this session, either on issues or with kids or with students or on some kind of errand of significance for your constituents. Just before you completed your work and sent the committee down to get me, I was signing some bills. It struck me what a solemn business this is and what a serious business this is and yet how little things like a signature or a flipping of a switch can make all the difference. It is really quite a remarkable thing that is going on here before our very eyes. This is really hard work. What you have been doing, what we all have been doing for the past six months, is hard work.

I will leave you with a story that I think summarizes the situation that we find ourselves in everyday here as well as anything I have encountered. I was riding the motorcycle up north two summers ago and stopped to get gas at a little general store. I put the gas in the tank and walked into the store and the lady in the store recognized me as I walked across the parking lot. When I walked through the door, she was ready. She was about 60 years old and she had both feet planted firmly behind the counter and she had both hands on either side of the cash register. The minute I walked through the door she said, "Huh, the tax man." That was okay. I could deal with that. I paid for the gas and everything was all right and I was on my way out, but then she said, "Where are you going?" I said, "I am headed south." She said, "Good, I hope you have a bumpy ride and then maybe you will fix the roads." Doesn't that really capture the problem that we are trying to deal with on a daily basis? Everybody wants the road fixed, but they don't want to pay the taxes. That is the situation that we find ourselves in all the time. That is what we are struggling with. We are struggling to find the right balance. We are always trying to find the right balance. It is awfully hard work and you people have done it beautifully. We have had some very contentious issues this session, between yourselves and the other body and my office, but we have come through it. I think we have managed to disagree without being disagreeable. That is the whole idea.

It is a solemn responsibility. I feel we have met it. It isn't easy because this structure that we have is set up for conflict. It is set up to have the crucible of differences result in the balance of solutions. I just want to thank you and compliment you. I know you are more tired than I am, but I think it has been a very successful session. I think we have a lot to be proud of. I think we are on a good footing in many areas. I will look forward to seeing you in January. Don't be strangers. We get lonely around here. Marilyn doesn't like it when it is quiet. When you

are in the building come by and talk. If there is anything going on in the district we can help with, let us know. That is what I am here for and that is what the office is here for. Thank you so much. Be careful going home tonight. Everybody is tired. God speed and I will see over the summer and certainly in January. Thank you.

Subsequently, Representative COLWELL reported that he had delivered the message with which he was charged.

At this point, a message came from the Senate borne by Senator Daggett of Kennebec informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. Now comes my turn. My first consideration of a quorum came when I started here and I came back to the House to finish the process from the inauguration. I learned at that time that the numbers here constituted a quorum. I am sure I am in good hands tonight. I will say to you people that I leave this evening at the conclusion of this session without any thought of wishing to change anything I have done in this session. I leave here with contentment. I will say that I have maintained my respect for each one of you, not only the people that I serve with, my colleagues, but also the many people that support the needs we have here in the House.

Mr. Speaker, Members of the House, I move that we adjourn without day.

On motion of Representative CHICK of Lebanon, the House adjourned without day at 1:16 a.m., Friday, June 22, 2001.