

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Tuesday, January 29, 2002

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

Prayer by Reverend J. John Keggi, St. Mark's Episcopal Church, Augusta.

Pledge of Allegiance.

The Journal of Friday, January 25, 2002 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 756)

ORDERED, the House concurring, that the Commission to Study Issues Concerning School Bus Drivers is established as follows.

1. Commission established. The Commission to Study Issues Concerning School Bus Drivers, referred to in this order as the "commission," is established.

2. Commission membership. The commission consists of 8 members appointed as follows:

A. One Senator appointed by the President of the Senate;

B. Two members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Labor, appointed by the Speaker of the House of Representatives;

C. Two members employed as school bus drivers by educational institutions or education service agencies that transport students to and from school or to school-related activities, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

D. One member representing school bus drivers employed by educational institutions, appointed by the President of the Senate;

E. One member representing school bus drivers employed by education service agencies that transport students to and from school or to school-related activities, appointed by the Speaker of the House of Representatives; and

F. The Commissioner of Labor or the commissioner's designee.

3. Chairs. The first named Senator is the Senate chair of the commission and the first named member of the House is the House chair of the commission.

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 commission shall call and convene the first meeting of the commission no later than May 15, 2002.

5. Duties. The commission has the following duties:

A. To gather information pertaining to the retention of, recruitment of and access to unemployment compensation for school bus drivers; and

B. To make recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters as to the advisability of increasing access to unemployment compensation for school bus drivers, including any recommendations for legislation.

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

7. Compensation. The members of the commission 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 commission. Other members of the commission 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 commission shall submit a report that includes its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters by November 6, 2002. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

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

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

READ.

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

COMMUNICATIONS

The Following Communication: (H.C. 364)

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 104
AUGUSTA, MAINE 04333**

January 11, 2002

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please find enclosed a copy of the application and program workplan submitted to the Bureau of Justice Assistance for funding of the FY 2002 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Michael Kelly

Commissioner

READ and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

TRANSPORTATION

Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 1587) (L.D. 2092)

Sponsored by Representative FISHER of Brewer. (GOVERNOR'S BILL)

Cosponsored by Senator SAVAGE of Knox and Representatives: BOUFFARD of Lewiston, McNEIL of Rockland.

Pursuant to Joint Study Order

Joint Study Committee to Study Growth Management

Representative KOFFMAN for the **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asks leave to report that the accompanying Bill "An Act to Encourage Regionalism in Municipal Growth Management"

(H.P. 1588) (L.D. 2094)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative RICHARDSON of Brunswick, the following Joint Order: (H.P. 1586)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, a bill regarding penalties for the unlawful sale of new snowmobiles and new all-terrain vehicles.

READ and **PASSED**.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lee St. Hilaire, of Winthrop, who has received the prestigious James J. Fitzpatrick Trophy. The trophy is awarded to the top senior football player in the State as selected by coaches and members of the media. Lee, a quarterback at Winthrop High School, is the first player not from a Class A school to have received the award. The award caps a tremendous career for Lee, a 4-year starter for his school's team. He led the Ramblers to a 35-7 record, the 2000 Class C State Championship, 2 state championship appearances, 3 Western Maine Class C title games and a 22-game winning streak. We send our

congratulations to Lee on this achievement and extend our best wishes to him for success in his future endeavors;

(HLS 846)

Presented by Representative McKEE of Wayne.

Cosponsored by Senator TREAT of Kennebec.

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

READ.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I am very pleased today to rise and recognize one of my constituents and one of my former students in junior English in Winthrop High School, Lee St. Hilaire, who has just been named the winner of this prestigious James J. Fitzpatrick Award as the most outstanding football player in the State of Maine for 2002. Notably, Lee is the first non-Class A player to win this high honor since the competition was opened to all classes in 1996 after 26 years of being open only to Class A players.

Most of you who know Winthrop know that our town is a football town. We are known statewide as a football town. In fact, we are a basketball town and baseball town too. The whole town and Lee's wonderful large extended family and the student body of Winthrop High School were all exultant over this news of the Fitzzy Award.

Lee is a fine young man that we watched in great admiration as he has stunned us, not only with his sensational ability as a star quarterback, but also with his determination and persistence to achieve his goals. When Lee was a freshman, like other freshman on athletic teams, he set himself two goals in the letter that the coach had the young men all write. He set himself these goals. First, to be a part of a State Class C Championship team. That goal was achieved in 2000 when the Winthrop Ramblers won a spectacular state championship, setting a 22 game winning streak. His second goal was to win the Fitzzy Award.

The Fitzzy Award was established in 1971 in Portland by a businessman by the name of Eudie Elowich. The award selects a young man who is known not only for his accomplishments on the field, but also in the classroom. It is interesting too to say that there are 26 Class A schools, 16 Class B schools and 18 Class C schools today. This makes the honor only the greater. The person is chosen by vote from state newspapers, television stations and all high schools with a football team. Lee is the tenth quarterback out of the 31 players chosen since 1971 to be chosen. He is quite a quarterback. One columnist said the quarterback throws the ball and runs the offense. His job is to lead. Lee doesn't just throw the football, he throws it far. He can really throw it, 80 yards, in fact. Scouts fell all over themselves when St. Hilaire put on passing clinics at summer camp. In his four years he has threw for 8,019 yards and scored 84 touchdowns. He also appeared in two state championship appearances, one in addition to the one that was won and three western Maine Class C title games.

I would like to say congratulations at this time also to the other two finalists, Cole Parlin at Mt. Blue and Stephen Starks at Thornton Academy.

As a teacher I am often asked when I write college recommendations to write the first adjectives that come to me my when I write the recommendation. About Lee I would write, Lee is humble, intelligent, personable, kind, respectful, focused, hardworking and determined. He is a good student. He loves the game. He works hard and he is an unbelievable team player.

I would also like to say something about his Coach, Norm Thombs, the football coach at Winthrop High School. In addition to being our football coach, Norm also is the director of the State

Methodist Camp, Camp MecAwana. He brings to the football team an ethic and an integrity which we would hope for all football teams and all athletic teams. I think it is through his leadership that he has been able to guide Lee these four years and to lead him to this great honor.

In closing, having had Lee his junior year and having studied Thoreau, I would remind Lee of a quote that he heard and it fits him today. Thoreau said at the end of his two-year stay at Walden Pond, "I have learned this at least by my experiment, that if one advances confidently in the direction of his dreams, he will meet with a success unexpected in common hours." Lee you have advanced confidently in the direction of that dream. You have held fast to that dream. We wish you luck as you go forward into college football. We ask the blessings of God on you to be a good role model for other young men as they come along. We are proud of you, Lee.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative RICHARDSON from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Control Internet 'Spam'"

(H.P. 1538) (L.D. 2041)

Reporting that it be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass** on Bill "An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate"

(S.P. 691) (L.D. 1893)

Signed:

Senators:

- FERGUSON of Oxford
- CARPENTER of York
- TREAT of Kennebec

Representatives:

- RINES of Wiscasset
- PERKINS of Penobscot
- GOODWIN of Pembroke
- BERRY of Belmont
- HALL of Bristol
- DUNCAN of Presque Isle
- BLISS of South Portland
- SAVAGE of Buxton
- McGLOCKLIN of Embden

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

Signed:

Representative:

- CRABTREE of Hope

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

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Restrict the Use of Gill Nets"

(H.P. 335) (L.D. 425)

Signed:

Senators:

- LEMONT of York
- PENDLETON of Cumberland
- EDMONDS of Cumberland

Representatives:

- VOLENIK of Brooklin
- USHER of Westbrook
- SULLIVAN of Biddeford
- PINKHAM of Lamoine
- McNEIL of Rockland
- CHICK of Lebanon
- BULL of Freeport
- MUSE of Fryeburg

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

Signed:

Representatives:

- LEMOINE of Old Orchard Beach
- ASH of Belfast

READ.

On motion of Representative LEMOINE of Old Orchard Beach, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

CONSENT CALENDAR

First Day

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

(H.P. 1458) (L.D. 1955) Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1418) (L.D. 1862) Bill "An Act to Amend the Charter of the Winterport Sewerage District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate"

(S.P. 691) (L.D. 1893)

Which was **TABLED** by Representative COLWELL of Gardiner pending **FURTHER CONSIDERATION**.

On motion of Representative GOODWIN of Pembroke, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Friday, March 1, 2002.

On motion of Representative SULLIVAN of Biddeford, the House adjourned at 10:12 a.m., until noon, Friday, March 1, 2002.