

MAINE STATE LEGISLATURE

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

Volume II

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
13th Legislative Day
Thursday, February 7, 2002

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

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Anne Elish, Pine Street Elementary School, Presque Isle.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Augusta.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Provide for Livable, Affordable Neighborhoods"
(H.P. 1596) (L.D. 2099)

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on February 5, 2002.

Came from the Senate **REFERRED** to the Committee on **NATURAL RESOURCES** and the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 366)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

January 30, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 600 An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 367)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

January 30, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1731 An Act to Require Registration of Building Contractors

L.D. 1749 Resolve, to Establish a Commission to Review Internet Policy

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

Sincerely,

S/Sen. Kevin L. Shorey

Senate Chair

S/Rep. John G. Richardson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 368)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

January 30, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 2032 An Act to Exclude Court Holidays from the Time Required in Which a Juvenile Detention Hearing Must be Held

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

Sincerely,

S/Sen. Michael J. McAlevey

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 369)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

January 30, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 466 An Act to Remove Liability from School Units When Releasing Information on School Employees Accused of Crimes
- L.D. 889 An Act to Establish a Mandated Minimum for Teachers' Salaries

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 370)

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

January 30, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1512 An Act to Increase Long-term Care Options for Low-income Citizens of the State

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 371)

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

January 30, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1015 An Act Regarding Health Insurance for Firefighters
- L.D. 1211 An Act to Supplement Benefits for State Employees and Teachers Whose Pensions are Subject to Reductions Enacted in 1993
- L.D. 1912 An Act to Ensure that Recipients of Trade Adjustment Assistance Retain Eligibility for Unemployment Compensation

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 372)

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

January 30, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1036 An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils

- L.D. 1428 An Act to Amend the Aquaculture Leasing Law
BY REQUEST

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 373)

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

January 30, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1851 Resolve, to Rename the Bridge Between Rumford and Mexico
- L.D. 1852 An Act to Require Tractor-trailer Drivers to Clean Off the Roofs of Their Vehicles
- L.D. 1859 An Act to Establish the Avon-Phillips Airport Authority
- L.D. 1927 Resolve, to Rename the Highland Avenue Bridge the Major General Henry Merriam Bridge

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

Sincerely,

S/Sen. Christine R. Savage
Senate Chair
S/Rep. Charles D. Fisher
House Chair

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 40)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused Friday, February 1st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lawrence Bliss of South Portland be excused Wednesday, February 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Philip Cressey, Jr. of Baldwin be excused Friday, February 1st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anita P. Haskell of Milford be excused Friday, February 1st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David R. Madore of Augusta be excused Tuesday, January 29th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Arthur F. Mayo III of Bath be excused Wednesday, February 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Deborah K. McNeil of Rockland be excused Friday, February 1st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Tuesday, February 5th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Skowhegan Area High School Field Hockey Team, on winning the Class A Field Hockey Championship. Members of the team include: Bri Searles, Meghan Gove, Robin Albert, Alisha Furbush, Megan Shorette, Mary Berry, Ramie Merrill, Margaux Shute, Amy McDaniel, Ashley Hilton, Megan Bedard, Hayley King, Jessie Corson, Megan Sevey, Michelle Farley, Jessica Dorman, Amanda Burrill, Katy LePage and Lisa Hanson; Head Coach Paula Doughty; and Assistant Coaches Heather Merrill and Norma Hurlbutt. We extend our congratulations to the team on this accomplishment;

(HLS 849)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator MILLS of Somerset, Senator GAGNON of Kennebec, Representative RICHARD of Madison, Representative TRACY of Rome, Representative STEDMAN of Hartland, Senator WOODCOCK of Franklin, Senator MITCHELL of Penobscot, Representative PINEAU of Jay.

On **OBJECTION** of Representative HATCH of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I think I can honestly say for the people of the

Skowhegan area that we are extremely proud of this team and their coaches. These young ladies have demonstrated what focus and determination can accomplish. They set a goal at the beginning of the year and worked very hard during the regular season until that goal was within their reach. They turned out to be a real killer team.

The prospect of facing Sanford in the championship game was considered a real David and Goliath match up by most pundits. After all, Sanford had a 50 game unbeaten streak going for them. These young lady athletes from Skowhegan came in with the attitude of giving it their best shot. They were truly ready to play. Without going through a play-by-play description, the final score tells the story. It was 3 to 0.

I would, again, like to congratulate this year's team and wish good luck to next year's team because I would love to do this again. I also know that the Skowhegan Fire Department would love to escort these young ladies around the town again. Go get them girls!

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. It is a great pleasure here to stand up and speak on behalf of the Skowhegan Field Hockey Team. I would like to relate back to a little story. I happen to work with Norma Hurlbutt who is the Assistant Coach. Linda Bouchard also works with me at SAPPI Fine Paper, North American Skowhegan. Her daughter did play for Messalonskee High School Field Hockey Team. Last year's game was just a reverse of the year before, the score. If you think the intensity on the field when they play Sanford for the title, you should have been in SAPPI listening to the conversation in the break room between the opposing people. I would also like to say that I do represent Messalonskee High School because the students in my district also go to Messalonskee. I could also say that I am kind of torn between the both of them, but, again, congratulations. May the best team win next year. Thank you.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **TAXATION** on Bill "An Act to Address Liquidation Harvesting"

(S.P. 718) (L.D. 1920)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-410)** on Bill "An Act to Authorize the Formation of Regional County Corrections Authorities" (EMERGENCY)

(S.P. 662) (L.D. 1853)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
 McDONOUGH of Portland
 HATCH of Skowhegan
 LESSARD of Topsham
 McLAUGHLIN of Cape Elizabeth
 MURPHY of Berwick
 CHASE of Levant
 HASKELL of Milford
 CRESSEY of Baldwin

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

Signed:

Representative:

KASPRZAK of Newport

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-410)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-410)** in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 732) (L.D. 2042) Bill "An Act to Make Technical Changes to the Maine State Grant Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1479) (L.D. 1980) Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 386) (L.D. 507) Bill "An Act to Provide Property Tax Relief from the Cost of Public Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-780)**

(H.P. 1420) (L.D. 1868) Bill "An Act to Provide Enhancements to the Small Enterprise Growth Program" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-778)**

(H.P. 1451) (L.D. 1948) Bill "An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)**

(H.P. 1519) (L.D. 2023) Bill "An Act to Amend the Election Laws" Committee on **LEGAL AND VETERANS AFFAIRS**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-776)**

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

(S.P. 653) (L.D. 1832) Bill "An Act to Strengthen the Habitual Offender Law" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-409)**

On motion of Representative FISHER of Brewer, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-409)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-409)** and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 679) (L.D. 1881) Bill "An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation"

(S.P. 655) (L.D. 1834) Bill "An Act to Ensure Continued Reporting of Tax Incentive Recipients" (C. "A" S-408)

(H.P. 1496) (L.D. 1999) Bill "An Act to Clarify Recent Amendments to the Maine Consumer Credit Code" (EMERGENCY)

(H.P. 1403) (L.D. 1842) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" H-770)

(H.P. 1407) (L.D. 1845) Bill "An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project" (EMERGENCY) (C. "A" H-772)

(H.P. 1413) (L.D. 1857) Bill "An Act to Amend the Charter of the Mount Blue Water District" (EMERGENCY) (C. "A" H-773)

(H.P. 1441) (L.D. 1938) Bill "An Act to Maintain the Family Caregiver Initiative for Elderly Citizens in Maine" (C. "A" H-771)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and 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.

Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation (EMERGENCY)

(H.P. 1590) (L.D. 2095) (Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested)

TABLED – February 1, 2002 (Till Later Today) by Representative COWGER of Hallowell.

PENDING – **REFERENCE**.

On motion of Representative McKEE of Wayne, the Resolve was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 737) (L.D. 2048) Bill "An Act to Authorize the Yarmouth School Department to use the Construction-Manager-at-Risk Method of Construction Delivery for Locally Funded School Projects" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1405) (L.D. 1843) Bill "An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1409) (L.D. 1847) Bill "An Act Regarding Fire Inspections for Foster Homes" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1428) (L.D. 1925) Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1452) (L.D. 1949) Bill "An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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

(H.P. 1526) (L.D. 2030) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass**

On motion of Representative GREEN of Monmouth, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, February 12, 2002.

SENATE PAPERS

The following Joint Order: (S.P. 766)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 12, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, February 12, 2002, at 10:00 in the morning.

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**.

Pursuant to Resolve

Blue Ribbon Commission on Postsecondary Educational Attainment

Report of the **Blue Ribbon Commission on Postsecondary Educational Attainment** pursuant to Resolve 2001, chapter 66, section 8 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment"

(S.P. 767) (L.D. 2102)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Limit the Number of Chances a Person Has in the Moose Lottery" (H.P. 43) (L.D. 52)

Signed:

Senators:

CARPENTER of York

KILKELLY of Lincoln

Representatives:

CHICK of Lebanon

CLARK of Millinocket

DUNLAP of Old Town

USHER of Westbrook

TRACY of Rome

BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-781)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro

HONEY of Boothbay

PERKINS of Penobscot

McGLOCKLIN of Embden

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, if I were to change the title, it is my bill, the title is a little bit misleading, it says, limit the number. I guess it is true to limit the number. Better said would have been to say to return to one chance per person for the moose lottery. That is the way it started some 20 years ago. This was changed by rulemaking so that the department started offering multiple chances for multiple dollars. Every time you sit down now to make out your moose application, you have to decide if you are going to go for the multiple? The chances are pretty slim that you are going to get drawn anyway, but it is a hard choice and my feeling is you shouldn't have more chances to our natural resources just because you got more bucks. Who knows where it is going to go. Right now it is five or six chances for \$20, but who knows where it is going to go.

You are going to hear the argument that we are strapped fiscally in the department. We are, but let me tell you that when I ran this idea by people on the committee and the department top leaders, they all agreed that if we can find the money there would be no problem. It is about \$1.2 million in the biennium that they are making through this multiple lottery. My proposal was to fill that gap, to increase the non-resident fee when they get drawn to \$300. The department's own recommendation when they came to us for their budget was \$350 for that. Do you follow that? In other words, they found the money. Right now when you get drawn as a resident it is \$28 for the chance of getting hundreds of pounds of good clean meat. My proposal would have gone to \$99, if you get drawn, for residents. That would have filled that gap. Guess what? The department came up with \$100. In other words, they said that they weren't against this concept if we could find the money. They found the money in their own budget. It is a matter of fairness. I think we ought to stick with one chance per person and it shouldn't matter how much money you have in your pocket. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of the Representative from Penobscot. Just to give you a little background, I was on the advisory council to Inland Fisheries and Wildlife when this multiple chance lottery system was put into place. I was the only member on that advisory council to oppose going to a lottery system. The reasons for that lack of support are several, but I will only mention a few. Philosophically, when you consider wildlife management, there is a real dilemma. Do you want permits that are proposed by biologists being turned into a moneymaking scheme? That is exactly what this pyramid scheme does. It encourages those with more money to purchase more and more chances. As those chances are being purchased, people drop off in their ability to pay. The poorer you are, the less opportunity you have. That is the facts.

The second reason is fairness. It was proposed when this was put forward that you would have a greater chance of getting a moose permit. That isn't the truth. Everyone is purchasing more chances so your odds of getting picked are no different. The only thing that happens is that people pay more money.

Last, but not least, the reason that I strongly oppose the current pyramid system is that we have set a precedent for other management of species, like turkey and deer. I can tell you during our discussions of fee increases, we have discussed starting to charge for doe permits. One committee member has approached me and proposed a lottery system exactly like this

for fall turkey season. I think it is a bad precedent. I think we can find the money as the department has and we can end this current system. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Some very compelling points have been made about going back to a single chance on the moose lottery. However, this was not done through rulemaking as was indicated by my good friend from Penobscot. Actually it was a statutory change by the 118th Legislature and it was done in an effort to, yes, raise revenues, but to raise revenues in such a way that would at least give people the perception of an increased opportunity. This does not affect, by the way, the number of permits that are issued. That is immaterial to the moose lottery, how ever many chances one buys. If we had statutorily set up so you could buy 100 chances in the moose lottery, there would still only be 3,000 permits issued. The number of permits and the number of moose that are taken in a given hunting season are not affected by the multiple chance lottery.

This is a fairly popular program. The premise that was put forward by my good friend from Waidoboro, that this was advocated at the time of its inception, that it would increase one's chance if one bought the multiple chances to be drawn, was actually the opposite. The opposite argument was made. I remember that, because I made that opposite argument. Statistically, if you are talking about the system that you set up on a double blind lottery, quite the opposite happens. If one has one chance in the lottery, it should not be greatly impacted by the fact that someone else may have six in the lottery. Various scenarios have been played out on that. The fact of the matter is, it is uncertain right now whether an alternative system would generate the same number of revenues. It is over \$1.2 million for the management of these species. In an alternative system, we are not sure about that. When we are talking about an uncertain economic future, it seems a little bit imprudent to start tinkering with a system that we have been fooling with now for several years. We have made a number of changes in how the moose lottery is conducted. I think for the sake of good public policy and having the people who are participating in this lottery be able to understand what it is they are buying when they get into it. We ought to leave it alone for a while.

I agree with Representative Perkins, my good friend from Penobscot. If we could find a way to make this thing work financially, it may be prudent in the future to go back to that single chance. It is a headache for everyone to manage, but for right now I think we ought to leave it alone. With our other lotteries, we are not talking about going to a similar system. In fact, we are talking about going away from it and doing more over the counter permits for these types of hunts and getting away from some of these lotteries. For right now, given the popularity of this program and the revenues that it generates and the fact that it does not have a negative impact on the resource, I think we ought to leave it alone for a few years and let it work.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. Did this bill have a fiscal note and if so, what was it?

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. Yes, it does, as I mentioned earlier. It is \$590,000 per year or \$1.2 million per biennium. Maybe you weren't here earlier, but as the good Chair, Representative Dunlap said, he agreed with me in the original discussions on this bill that if we could find that money, he would not oppose it. I was glad to hear him say that, as did the commissioner and the deputy commissioner and the chief biologist and practically all the people in the department that I talked with. They would not oppose it if we could find that money. I did find that money with two simple increases that I mentioned earlier. This is one of those kinds of bills that the more you talk about it, I am afraid the people might get more confused. It is not complicated. It is just if you have more money, you get a better chance. We found the money and, in fact, Representative Dunlap sponsored the bill. If you look at the bill he sponsored for the department to bring their budget to us, those two changes are in there. The money has been found. Thank you.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. Going back on a comment that the Representative from Waldoboro, Representative Trahan, mentioned about this system being a system for the rich and the poor person can't really contribute. Take for example all the aspects that you have to look into for the outcome of a moose hunt. You have to look at how many chances you are going to buy, one through six. If you are lucky enough to get drawn, that is \$28. If you are not like some people in this body and you are lucky enough to get a moose, like I was, 900 pounds to cut up your own moose, you have to take it to a cutter. The average cutter nowadays is about \$75 to have that animal with the fur stripped off, plus it is 45 cents per pound. You take a 900-pound moose, that is 637 pounds of meat. That cost me over \$400 to get that processed. Going under the good Representative from Penobscot's scenario, to add that fee if you are drawn to go from \$28 to \$99, that is an increase for the residents that you have to pay on top of how much you had to pay to get the moose cut up. What you are really looking at is an added expenditure to the people of the State of Maine, the people that really can't afford it.

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

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I am seeing where so many people commented on my statements I made, I feel like I should respond. When it comes to moose hunting, ladies and gentlemen, the philosophical issue here, you can blend in how much it will cost when you get your permit or whatever you want, but it is a philosophical question. Do we want a policy where we blend in management of wildlife with generating dollars? That is where I have the real problem with this policy. What it does is as departments suffer through bad economic times, as we are now, there is a greater pressure placed upon those that manage our wildlife to generate money. I do not believe that they should have to be concerned with generating money and managing a herd. That isn't a place that I believe the department should be. We shouldn't be basically selling off more and more moose permits. I will remind you that we have increased from 1,000 to 3,000 that amount of moose that can be shot. I don't like having to worry that the department that is managing is trying to generate more

money. I am not saying that they are doing that now, but I don't like the blending of the two.

Mr. Speaker, I request a roll call.

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

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

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I think I have the perfect solution. If you shot the moose with a camera instead of the gun, it wouldn't cost you one thing. Thank you.

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

ROLL CALL NO. 470

YEA - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Collins, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Green, Haskell, Hatch, Hawes, Hutton, Jones, Kane, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Simpson, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Clark, Clough, Crabtree, Cressey, Daigle, Davis, Duncan, Glynn, Gooley, Hall, Heidrich, Honey, Jodrey, Labrecque, Ledwin, Lessard, McGlocklin, McKenney, McNeil, Mendros, Michael, Murphy T, Nass, Paradis, Perkins, Pinkham, Rosen, Skoglund, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Volenik, Weston, Winsor, Young.

ABSENT - Bagley, Chase, Colwell, Goodwin, Jacobs, Landry, Morrison, Peavey, Perry, Shields, Smith.

Yes, 96; No, 44; Absent, 11; Excused, 0.

96 having voted in the affirmative and 44 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

ENACTORS
Emergency Measure

An Act to Authorize the Yarmouth School Department to use the Construction-Manager-at-Risk Method of Construction Delivery for Locally Funded School Projects

(S.P. 737) (L.D. 2048)

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. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-786)** on Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters

(H.P. 130) (L.D. 141)

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

TRAHAN of Waldoboro

CLARK of Millinocket

HONEY of Boothbay

USHER of Westbrook

TRACY of Rome

McGLOCKLIN of Embden

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

Signed:

Senators:

CARPENTER of York

WOODCOCK of Franklin

Representatives:

CHICK of Lebanon

DUNLAP of Old Town

PERKINS of Penobscot

BRYANT of Dixfield

READ.

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

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. I voted against it in committee and I hope you will join with me in voting against it now. Mr. Speaker, I request a division.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. When this bill was discussed in committee, I recall that in York County a particular pond that I have fished in for a number of years, Bunganut Pond. It is a pond that has pickerel and hornpout. When I found that this was going to require hiring biologists to implement this program. I didn't believe it was productive to be introducing smelts in a pond that doesn't have trout and salmon. I would ask that you would join with the House Chair, Representative Dunlap, and I in seeing that this program does not become something that will cost a great deal of money as an experiment in years when we are certainly in a very tight position of funds. Thank you.

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. To one of the proponents of this bill, does this bill have a fiscal note? If so, what is the amount of the fiscal note? How are we are going to pay for it?

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

A division 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.

A vote of the House was taken. 10 voted in favor of the same and 112 against, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

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

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-783)** on Bill "An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program"

(H.P. 375) (L.D. 477)

Signed:

Senators:

GOLDTHWAIT of Hancock

CATHCART of Penobscot

Representatives:

BERRY of Livermore

MAILHOT of Lewiston

TESSIER of Fairfield

BRANNIGAN of Portland

ETNIER of Harpswell

JONES of Greenville

NASS of Acton

WINSOR of Norway

BELANGER of Caribou

ROSEN of Bucksport

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

Signed:
Senator:
MILLS of Somerset

READ.

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

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just wanted to state briefly that this was a carryover bill. It was one of the bills that we prioritized to work with. We are asking that you support it to get it to the table for future consideration. Thank you.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-783)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-783)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-784)** on Bill "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)

Signed:
Senators:
CATHCART of Penobscot
MILLS of Somerset

Representatives:
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

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

Signed:
Senator:
GOLDTHWAIT of Hancock
Representative:
BERRY of Livermore

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-784)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-784)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-785)** on Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"

(H.P. 779) (L.D. 1023)

Signed:
Senators:
GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:
BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
BELANGER of Caribou
ROSEN of Bucksport

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

Signed:
Senator:
MILLS of Somerset
Representatives:
NASS of Acton
WINSOR of Norway

READ.

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 Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. My objection to the particular proposal is based on several bits of information. One, we currently make a substantial effort, in my opinion, on HIV prevention. It appears that the state currently provides almost \$185,000 a year through the Bureau of Health. We also receive from the Centers for Disease Control and Prevention, from the federal government about \$1.6 million annually under a cooperative agreement to deal with prevention. As we consider these things, at least it has been helpful to me as we look at all of these things, sometimes we get the impression that this is the first dollar that we are dumping into this stuff and it is not.

The proposal in front of us also has one other aspect that bothers me and this is not the only place we do it. We are providing benefits, at least as I understand the proposal, up to 300 percent of the federal poverty level. If you look at what that means for a family of four, that is just under \$54,000. There has to be some control and certainly this particular disease is extremely controversial. It often doesn't involve a family of four, but the benefits up to that level, which are substantial, is not

something that I think we can currently afford, certainly not in the current economic situation. For two reasons, I urge you to vote against the pending motion.

One, we are already getting a substantial chunk of money. Two, the benefits are going to a level that I think is, I think, unsustainable, especially when you consider where the tax money in this state is coming from. Thank you Mr. Speaker.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. A couple of points that were just brought up. It is true that we do receive money from the CDC up to \$1.6 million, but what that money is also spent for is providing services for people who are currently infected. It is also important to note that that funding has been level for 10 years. The cost of medication for people who have or are living with HIV/AIDS has almost doubled. In fact, when we first started getting that funding, the prescription drugs were not available. That has had a dramatic impact on that level funding. What we are asking for is money for prevention. Like the services money from the CDC, the money for prevention has also been level funded and people are not getting the information that they need. As a result of the drugs that are available, many of those people who are currently at risk are at a greater risk because the prevention materials are not out there. One fact that supports that is in 1996, over 5,000 people were tested. In the year 2001, only 2,400 people were tested, which means, to me, that people are becoming much more relaxed about the situation and aren't being tested. My fear is that they are, in fact, practicing unsafe sex and we are in the eye of the storm.

The other issue that was brought up by the speaker before me was the fact of the HIV waiver that we have been reading about in the papers. That is not included in this bill. The HIV waiver was a waiver that the Department of Human Services applied for three years ago and was successfully granted. Unfortunately, that waiver has never been funded, but the money being asked for in this particular bill does not ask for that money for the HIV waiver. We are not building anybody's expectations that we will be trying to fund the waiver through this bill. It is only to, in fact, increase people's awareness and to perhaps sustain a prevention program that has been seriating over the last several years.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. We are elected here to be policy makers. The fastest growing group of people being infected with HIV are heterosexual women. Young babies are being born to HIV mothers. I do not believe that I can, in good conscience, decide which life is worthy of saving. Money for HIV is public policy, public safety, protecting the people of this state. We talk about the Constitution. All people have the right to life, liberty and the pursuit of happiness. Each human life is valued here. I would ask that we support this amendment. Thank you.

Representative **MUSE** of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to speak briefly to the merits of this bill and to kind of explain why it is here in this session. It is a carryover bill. It is an important bill. It had quite a price tag. The

price tag is cut in half only because it would be funded in one fiscal year, 02-03. One of the things that was mentioned in the public hearings in our committee is there are people that have been working that have benefited or will benefit from this. By having the services, they are able to keep their jobs. They are able to stay in the workplace. They are able to pay taxes to help pay their way. The bills are just so high that they can't do it on their own. They are going to have to quit their jobs. They are going to have to go on complete state aid. This is a support. This is necessary for these folks. I hope you will support it and let us get it to the table and have this as a tool to serve the people of Maine. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I would not even attempt to refute any of the statements made by the previous speakers. I agree about the need for this funding. In fact, I think we probably have unanimity in that agreement. However, at the same time, the good Representative from Biddeford, Representative Sullivan, indicated a couple of minutes ago that she doesn't want to have to make a choice. I sympathize with that, but, in fact, we are making choices and when we vote to increase funding in one area, we are simultaneously taking funding away from other essential areas where there is great concern.

Coming from Sanford where we have, in fact, just closed two nursing homes in the last year, two of our four, a third nursing home is being operated solely due to subsidy from the local hospital. It is the only thing keeping it alive. A fourth nursing home is marginal at this point in time. I can't, in good conscience, support increased spending in any area while at the same time we are still considering proposed cuts in Medicaid reimbursements to nursing homes and to hospitals. While I agree with the need for this funding, I can't go back to my constituents, at least, and look them in the eye and tell them that I find this a higher priority.

The good Representative from South Portland, Representative Quint, indicated that this has been level funded. I would express to you that my nursing home owners and my hospital administrators would be very content with level funding at this point in time as opposed to the cuts that they are facing.

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

Representative **COTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. As you know, health care is the most important thing in the state with everybody. This is a health care bill. People in the state who do have this need the services just as well as everybody else. I, myself, I am speaking as an advocate for two family members of my family who died of this disease because there weren't any services and no help for them. As I rise, I also urge you to vote for this bill, as Representative Berry stated. It is a good bill. I read the bill many times. I ask you to follow my light on it, because we need the services for these people as well as anybody else. Thank you.

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

ROLL CALL NO. 471

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Cote, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Honey, Hutton,

Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Berry DP, Bowles, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, Mendros, Michael, Muse K, Nass, Nutting, Pinkham, Schneider, Snowe-Mello, Stedman, Tobin D, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Buck, Chase, Colwell, Cowger, Goodwin, Jacobs, Landry, Morrison, Peavey, Perry, Shields, Smith.

Yes, 103; No, 35; Absent, 13; Excused, 0.

103 having voted in the affirmative and 35 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (H-785) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-785)** and sent for concurrence.

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

On motion of Representative MAYO of Bath, the House adjourned at 11:53 a.m., until 9:30 a.m., Tuesday, February 12, 2002 pursuant to the Joint Order (S.P. 766).