

MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature
State of Maine

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 14, 2002

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

Prayer by Pastor Kenneth Davenport, Bucksport Church of God.

Pledge of Allegiance.

Doctor of the day, Laurel Coleman, M.D., Augusta.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 569)

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

February 13, 2002

The Honorable Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Business and Economic Development, the nomination of Peter L. Judkins of Farmington, for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Joint Standing Committee on State and Local Government, the nomination of Derek P. Langhauser of Cumberland, for reappointment to the Maine Governmental Facilities Authority.

Upon the recommendation of the Joint Standing Committee on Labor, the nomination of Catherine R. Sullivan of Portland, for reappointment to the Maine State Retirement System, Board of Trustees.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act to Prevent Price Gouging During Abnormal Market Disruptions"

(H.P. 1612) (L.D. 2109)

Sponsored by Representative NORBERT of Portland.
(GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec and Representatives: BULL of Freeport, JACOBS of Turner, LaVERDIERE of Wilton, MITCHELL of Vassalboro, SCHNEIDER of Durham, SHERMAN of Hodgdon, SIMPSON of Auburn, Senator: RAND of Cumberland.

Committee on **JUDICIARY** suggested and ordered printed.
suggested.

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

Bill "An Act to Coordinate the Maine Overtime Pay Provisions with the Federal Fair Labor Standards Act Regarding Exceptions for Businesses Involved in the Transportation of Persons or Goods"

(H.P. 1611) (L.D. 2108)

Sponsored by Representative BUNKER of Kossuth Township.
(GOVERNOR'S BILL)

Cosponsored by Senator TURNER of Cumberland and Representative: FISHER of Brewer, Senator: O'GARA of Cumberland.

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Department of Audit**

Representative STANLEY for the **Department of Audit** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2002-2003" (EMERGENCY)

(H.P. 1613) (L.D. 2110)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** 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. 1610)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, legislation regarding economic development for small business.

READ and PASSED.

Sent for concurrence.

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 41)

ORDERED, that Representative Susan M. Hawes of Standish be excused Friday, January 4th and Friday, January 25th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia T. Jacobs of Turner be excused Thursday, February 7th for health reasons.

AND BE IT FURTHER ORDERED, that Representative John R. Morrison of Baileyville be excused Friday, February 1st and Thursday, February 7th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Hampden Academy Mock Trial Team on winning the 2001 Maine State High School Mock Trial competition. Members of the team include: Scott Simpson, Lauren Hartz, Jennifer Swalec, John White, Amy Dumont, Josh Jenkins, Chris Woodcock, Jarred Brown, Oriana Farley, Mackenzie Rawcliffe, Sam Kingsbury, Brendan Morrell, Mike Wood and Cathy Boucher; and lawyer coaches William Devoe, James McCarthy, John Woodcock and Michele Gross. This victory marks the 2nd consecutive year that Hampden Academy has achieved this honor. We send our congratulations and best wishes to the team on this accomplishment;

(HLS 879)

Presented by Representative DUPREY of Hampden.

Cosponsored by Senator MITCHELL of Penobscot.

On **OBJECTION** of Representative DUPREY of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. Today it gives me great pleasure to recognize the Hampden Academy Mock Trial Team. This is the second year in a row that they have won the state championship. A lot of schools participate, they get their kids together and they do a mock trial. They actually take an actual case. They try it. They have lawyer coaches that help them out. They have a team coach that helps them out. They learn a lot about the law system. They learn about the Judicial System in the United States. We have an excellent team coached by Michele Gross. She has done a fantastic job this year. I would like to extend our congratulations to our future lawyers. Thank you very much for coming down today. They are in the gallery. Thank you.

PASSED and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 681) (L.D. 1883) Bill "An Act to Clarify the On-premise Liquor License Application Process" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 717) (L.D. 1919) Bill "An Act to Allow Approval of Internet-based Alcohol Server Education Courses" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 499) (L.D. 1586) Bill "An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-416)**

(S.P. 673) (L.D. 1876) Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-414)**

(S.P. 706) (L.D. 1908) Bill "An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises" Committee on **LEGAL AND VETERANS AFFAIRS** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-418)

(S.P. 716) (L.D. 1918) Bill "An Act to Amend the Integrated Pest Management Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-413)**

(S.P. 726) (L.D. 1967) Bill "An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-417)**

(H.P. 1476) (L.D. 1977) Bill "An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1456) (L.D. 1953) Bill "An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-797)**

(H.P. 1483) (L.D. 1984) Bill "An Act to Modernize the Procurement Practices at the Department of Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-798)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 1464) (L.D. 1961) Bill "An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities" (C. "A" H-796)

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(S.P. 714) (L.D. 1916) Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

On motion of Representative MATTHEWS of Winslow, was **REMOVED** from the Second Day Consent Calendar.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Before we pass item (8-1), could someone on the committee tell this body what we are doing with the changes to the Driver Evaluation Program?

The SPEAKER PRO TEM: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is a bill presented by the Department of Behavioral and Developmental Services to bring their DEEP Program, which is their driver education program for persons who have been habitual offenders with drunk driving, to bring that into compliance with some federal law to make some slight modifications to training programs. It really is a technical adjustment bill.

The Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, February 19, 2002.

(H.P. 253) (L.D. 289) Bill "An Act Regarding Horse Racing" (C. "A" H-794)

On motion of Representative COLWELL of Gardiner, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

UNFINISHED BUSINESS

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

JOINT ORDER – Relative to establishing the Commission to Study Issues Concerning School Bus Drivers

(S.P. 756)

- In Senate, **READ** and **PASSED**.

TABLED – January 29, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE**.

Representative MAYO of Bath **PRESENTED House Amendment "A" (H-799)**, which was **READ** by the Clerk.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple amendment. It just adds two additional people to the study group. It would be one member who represents owners of companies that provide school bus service to school administrative units and one member who is a superintendent of a school administrative unit. It was generally felt, and this has been discussed with the sponsor of the particular piece of legislation, the President of the Senate, as well as with leadership in this body and other interested parties. Everybody felt that it did make sense to add these two people. I would urge its adoption.

House Amendment "A" (H-799) was ADOPTED.

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

Representative **BRUNO**: Thank you Mr. Speaker. Point of Order. There was a bill similar to this in the last session of this Legislature. I would like to know if this bill is properly before the body at this time.

Representative **BRUNO** of Raymond, asked the chair to rule if the Joint Order was properly before the body.

The **SPEAKER PRO TEM**: The Chair would respond that this is not a bill it is a Joint Order and therefore it is properly before the body.

Subsequently, the Chair **RULED** the Joint Order was properly before the body.

The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. Thank you for the point of order. This kind of issue has been before the legislative body for many years in a row now and it has always come out of the Labor Committee as Ought Not to Pass. At a time when we are trying to get more GPA funds back to the school district, I don't think it is a good time to start increasing costs to that school district by making

them pay more for unemployment insurance for school bus drivers. Therefore, Mr. Speaker, I request a roll call on this issue.

Representative **BRUNO** of Raymond **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 PRO TEM**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I rise to support my good friend from Bath, Representative Mayo's amendment and I rise in support of the Joint Order that is being put before us, the sponsor being the President of the other body. Certainly my good friend from Raymond raises a legitimate point that this has been before this body a number of times. I would suggest that the resolution of the issues has never gone away. It is still before us. The question of unemployment benefits and the question of compensation, pay, recruiting and retaining good bus drivers to transport our children safely, carefully, effectively so that they might receive a good education in the State of Maine. Those issues are not lessened by the fact that we have looked at them before. They are still important. They are as important today as they were last session. I agree we have a budget problem, but I don't agree that we should stick our head in the sand and ignore the issues of public safety of getting our kids to school safely and of being able to retain and recruit quality bus drivers in the State of Maine. I would urge my colleagues to support the passage of this Joint Order. I would also like to refer this Joint Order to the Committee on Labor.

Representative **COLWELL** of Gardiner moved that the Joint Order and all accompanying papers be **REFERRED** to the Committee on **LABOR**.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to add onto what the Representative from Raymond, Representative Bruno, has already said. In the first session this Legislature, we handled a bill identical, not identical, but addressing the same issues that this Joint Order will address. It had a full hearing, public hearing and work session. It was also sponsored by the President of the other body, the same as this Joint Order is. I don't think that we should be taking this up in the second session of the 120th Legislature.

There were several issues that were discussed thoroughly during the hearings on the bill. It is a mandate to the school units that would be affected by the legislation. We are forming a study commission to do exactly what was done in the first session of this Legislature, adding more cost. As far as I am concerned, it is just not a good idea and I would urge us to vote against the pending motion.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. We conduct a number of studies around here and we always justify those studies by thinking that they are going to do some good. This Joint Order is different. There is nothing good that can come from this study. The best thing that can happen from this study is it is going to cost your school district more money to pay for school bus drivers who are off in the summer who want to be off in the summer. I would urge you to defeat this.

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

Representative **BUNKER**: Mr. Speaker, Ladies and Gentlemen of the House. I have got to disagree with the prior speakers on this issue. This is a study. This is not going to take any affirmative action or any fiscal action this year. The room was overwhelming as anybody on the committee will tell you of the people that came down for and against this. I think it is only appropriate to allow those people to have a forum and bring their issues to their administrators and to the people that we appoint to the study committee. It should allow at least the common courtesy that good employees of the school district that are doing an invaluable service and quite frankly, we are having a difficult time of acquiring. I think it is time to bring the management and the employees together in a study forum in order to lay their cards on the table and to address the issues. We are the court of last resort. We are going to give them, through this study committee, a chance to bring these issues to the table and try to resolve them. For us to be in the decision-making mode at this point in shutting the door to these fine folks that are trying to resolve their issues, I think is inappropriate. I would go on to say that probably the reason why this bill came out Ought Not to Pass was strictly because of the mandate on the local municipalities and the concern of increasing costs. It is not because the issue isn't necessary. It is not an issue that needs to be discussed. It simply was that we felt that we needed to bring these folks together and they are valued folks. You wouldn't believe the difficulty that these guys have. I don't know if anybody realizes that these bus drivers have to sign on the dotted line that they will return in September or else their job won't be held. This is a very, very difficult situation. I would ask that you would allow the Joint Order to go forward. Thank you.

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

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

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. When this committee is reviewing whatever it is they are going to review, will they also be reviewing for cafeteria workers and janitors and other people working in the school system who do not work there in the summer time?

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

Representative **BUNKER**: Mr. Speaker, Ladies and Gentlemen of the House. In reply to the good Representative from Madison, the issue is not unique just to school bus drivers. The intent of the sponsor, obviously, is what it says on the board. I am sure that if this is referred to the Committee on Labor, the bigger picture will be taken care of or looked at. I am not saying that we will be opening that door, but I know that discussion has been brought up on a prior occasion. It will definitely be brought up, most likely, in the committee process.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

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

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. When this committee does look at this, would they take into consideration that this will be a mandate back to the school districts and hopefully the money will be going back with it? I hope that there will be a discussion. Will it be? If not, it goes on property tax.

The SPEAKER PRO TEM: The Representative from Berwick, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. In reply to the good Representative from Berwick, obviously I think that is the intent of the study. I would allow those players to come into one forum to discuss this issue. I am sure that will be number one on their list. I appreciate the question and I appreciate the full support of this body to move the ability to discuss these issues while we are gone this year so that next year we may be able to answer some of the tougher questions that are being asked at the moment. Thank you.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **REFER** the Joint Order and all accompanying papers to the Committee on **LABOR**.

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

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

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. We heard that this bill has perennially been in front of this body for the last three or four sessions of this Legislature. We want to form a study committee because we haven't been able to resolve it. I guess I have a question to anyone who might want to answer it. If this bill has shown up time and time again, why hasn't the Labor Committee solved the issue? Is it because it is not an easy solution? Forming another study committee is not going to solve it either.

The SPEAKER PRO TEM: 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 Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I am not on the Labor Committee, but there are countless bills that come before this Legislature year after year. Many of them are from the other side of the aisle. We give them their due respect. We give those ideas their due respect. Perhaps the reason that this particular issue has not been resolved is because of the lack of available information. I would suggest that a study perhaps would allow us to achieve the critical mass of information so that we could resolve this issue once and for all. I guess I would like to just say that I am as concerned about mandates as anyone else, but we are not mandating anything here. We are only seeking knowledge and seeking information so that we might make a decision. Thank you Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. To answer Representative Bruno's question, the Unemployment Compensation Fund has \$400 million. It is a fund that is obviously in good shape. If we allow part-time employees to start drawing from it, I don't think it will be in good shape. I have a big thick folder on this if anybody would like to read it. I thought on the labor committee there was a consensus, even among some Democrats, that this was not a good idea. That is why it did not get to the floor of the House. Thank you.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. Some people may wonder this morning why a non-member of the Labor Committee is advocating the reference of this particular item to Labor. I have in my area a very good friend who transports many, many students on school buses that he owns. He is paying unemployment on these particular individuals. It depends on how the contract is written with particular school districts as to whether or not payments are or are not made. It is a very inequitable situation. I think we should support the reference of this to the committee so that they can look at it and report out a bill to study this issue. I would urge your support. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. To anyone who could answer, it was said earlier in testimony that this was about retaining bus drivers. Those groups like school boards and superintendents, those people who would be concerned with retaining bus drivers, are they in support to this bill or opposed to it?

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I believe they were pretty much opposed to it. I don't remember any superintendent or administrator in favor of it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Also to answer Representative Trahan's question, there were a lot of bus drivers though that were there who do support doing something. Although the superintendents may not have agreed with it, that has happened before in the Labor Committee when it dealt with labor issues or labor policy that they didn't always agree. I would remind this body that we are talking about referring this Joint Order to committee and giving this a little more discussion. Ladies and gentlemen, we have been here for half an hour talking about this bill with good points on both sides. As our good Chair mentioned, that is why we are sending it out to study.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I am going to vote against reference of this bill to committee because I think in the next month and a half both sides of the aisle needs to begin to focus on a state/local

partnership, which currently for education is under funded, GPA and aid to state agency children. I think that is where our energy ought to be focused, making that partnership whole rather than the side issue.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It seems like we are very anxious to get to debate. I appreciate that. I am as anxious as anyone. I guess I would just like to put this into a little bit of perspective. We are not talking about passing mandates. We are not talking about speaking for superintendents although the superintendents, under my good friend Representative Mayo's order, have a place at the table during this study. I think this is really about extending a courtesy to the President of the other body, much like this body extended a courtesy to the good Representative from Calais, Representative Morrison, I believe yesterday when we referenced his Joint Order to a committee. I think that is really what we are talking about here. There is no money attached to this. It will live or die on its merits on the Study Table at the end of the session just like every other one of these studies. There is no mandate in sending a Joint Order to a committee to study or to deliberate on. I think we should just focus our attention on what we are talking about, offering a courtesy to the President of the other body that we extend to everyone here in this chamber, I think. I think we try to. And on taking another look at an issue of safety and job retention and providing a good education. Thank you very much.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This situation this morning that has generated considerable discussion, I believe is warranted. I have yet to hear what I am concerned about in my involvement over the years with school boards. I am thinking about, what are we transporting? You all know the answer. Also, take a look at the daily papers as recent as this past week around the State of Maine and some of the incidences that have involved the transportation of our most important people. For that reason, I believe if there is some small part that a bus driver might be improved in their ability to protect, then we would have some insurance about our children and grandchildren and so on. That is why I believe that this is time and money well spent. Thank you.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is to Refer the Joint Order and all Accompany Papers to the Committee on Labor. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 474

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

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Daigle, Davis, Duncan,

Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McGowan, McKenney, McNeil, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Buck, Collins, Green, Koffman, Morrison, Watson.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, and accordingly the Joint Order and all accompanying papers were **REFERRED** to the Committee on **LABOR** 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:

CONSENT CALENDAR

First Day

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

(H.P. 1444) (L.D. 1941) Bill "An Act to Modify the Time of Constituent Service Allowance Payments" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-802)**

(H.P. 1455) (L.D. 1952) Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-804)**

(H.P. 1488) (L.D. 1991) Resolve, to Establish a Commission to Erect a Memorial in Capitol Park to the Victims and Heroes of the September 11, 2001 Tragedy Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-801)**

(H.P. 1508) (L.D. 2011) Bill "An Act to Restructure the Advisory Council on Tax-deferred Arrangements" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-800)**

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

ENACTORS

Emergency Measure

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

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. 134 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.

Emergency Measure

An Act to Clarify Recent Amendments to the Maine Consumer Credit Code

(H.P. 1496) (L.D. 1999)

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. 126 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Make Changes to the Respite Care Fund Administered by the Department of Human Services

(H.P. 1441) (L.D. 1938) (C. "A" H-771)

An Act to Make Technical Changes to the Maine State Grant Program

(S.P. 732) (L.D. 2042)

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

Resolves

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(H.P. 1403) (L.D. 1842) (C. "A" H-770)

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

An Act to Support the State's Homeless Youth

(H.P. 1528) (L.D. 2031) (C. "A" H-775)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

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

SENATE PAPERS

The following Joint Order: (S.P. 775)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 19, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, February 19, 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**.

On motion of Representative DAIGLE of Arundel, the House adjourned at 10:43 a.m., until 9:30 a.m., Tuesday, February 19, 2002 pursuant to the Joint Order (S.P. 775).