

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 18, 2001 – June 22, 2001

**Second Regular Session**

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE  
SECOND REGULAR SESSION  
19th Legislative Day  
Thursday, February 21, 2002

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

Prayer by Reverend Gregory S. Vinson, Elim Community Church, Bath.

Pledge of Allegiance.

Doctor of the day, Brian Jumper, M.D., Portland.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.C. 575)

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

February 20, 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 nomination:

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nomination of Marcia McKeague of Medway, for reappointment to the Land for Maine's Future Board.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 42)

ORDERED, that Representative Martha A. Bagley of Machias be excused Wednesday, February 13th and Thursday, February 14th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Randall L. Bumps of China be excused Tuesday, February 12th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald F. Collins of Wells be excused Thursday, February 14th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Elaine Fuller of Manchester be excused Tuesday, February 19th and Wednesday, February 20th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bonnie Green of Monmouth be excused Tuesday, February 12th, Wednesday, February 13th, and Thursday, February 14th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan M. Hawes of Standish be excused Wednesday, February 20th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jacqueline R. Norton of Bangor be excused Friday, January 4th, Friday, January 11th, Tuesday, January 29th and Wednesday,

February 13th for personal reasons and Wednesday, February 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused Thursday, February 7th and Tuesday, February 19th for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Peter J. Lancia, of Portland, who has been named the 2002 Maine Teacher of the Year. Mr. Lancia has had a distinguished career teaching literacy and second grade at the Saccarappa Primary School in Westbrook, including the mentoring of new teachers and serving as the literacy coordinator for his school. He has presented workshops and has spoken at numerous community and district events on public education and literacy. Mr. Lancia is fondly known for his annual "trip" to Italy, an integrated educational unit that involves parents, students, art and music teachers, cooking, making passports, packing, making Lira, learning Italian and boarding a classroom plane. We send our appreciation to Mr. Lancia for his excellence in teaching and passion for literacy among all students and extend our congratulations and best wishes to him on this occasion;

(SLS 622)

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. The job down here in this corner is a great job. We get a lot of perks. I have a wonderfully snazzy 1960 princess telephone. I also have the enviable task this morning on this sentiment to do something that I think everyone in this chamber at some point or another has wished to do. I certainly do it with no disrespect to Peter J. Lancia the Teacher of the Year. We certainly all honor our teachers in this body, particularly a person like Mr. Lancia who has done such tremendous work and has risen to the level of Teacher of the Year. You will probably remember that yesterday we had a sentiment on our calendar already honoring Peter J. Lancia. It is at this time my great privilege to be able to move Indefinite Postponement of this sentiment. Thank you Mr. Speaker.

On motion of the same Representative, the Sentiment was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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**In Memory of:**

Steven Conrad Gaudette, of North Berwick, a founder and chief executive officer of Maine Veterans' Homes. Mr. Gaudette, a veteran of the Vietnam War, spent much of his life as a lobbyist and consultant for veterans' affairs. He was well-known and highly regarded by people throughout the State and nation for his enthusiasm and devotion to issues involving our nation's veterans. Mr. Gaudette was a member of the Disabled American Veterans, the Veterans of Foreign Wars, The Vietnam Veterans Association and the Knights of Columbus. He will be greatly missed by his family, friends and scores of veterans throughout the State and nation;

(HLS 885)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Representative MacDOUGALL of North Berwick, Senator CARPENTER of York, President BENNETT of Oxford, Senator BROMLEY of Cumberland, Representative CHIZMAR of Lisbon, Representative COTE of Lewiston, Senator DOUGLASS of Androscoggin, Representative DUNCAN of Presque Isle, Representative ESTES of Kittery, Representative HEIDRICH of Oxford, Representative LABRECQUE of Gorham, Representative MAYO of Bath, Representative O'BRIEN of Lewiston, Representative PATRICK of Rumford, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. It is always a difficult day when you have to say goodbye to a friend. Longfellow writes, "Good men all remind us that we can live our lives sublime. The parting left behind us footprints on the sand of time." Steve Gaudette was a Vietnam veteran who was disabled in the line of duty and service to his country. For people who knew him, they always said that Steve never forgot where he came from. He was always an advocate for the underdog. He even helped me during my first campaign for the other body in 1984. I don't think that there will be anybody, anyone in my lifetime, who will ever help veterans more than Steve Gaudette did in his lifetime. He was only 51 when he died this fall. Steve, my friend, rest in peace. May God bless you and your family for the work that you did for all the veterans of Maine. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House, family, friends and colleagues. Steven Gaudette would want me to be brief and to the point and that is exactly what I am going to be. When I was advised of this Legislative Sentiment in Steven's honor, I thought to myself, my gosh girl, where do you begin? I started with my Steven Gaudette file of 205 e-mails. I read each one over and over again and it brought back such good memories of a friend that I miss dearly. Steve sometimes ended his e-mails from a quote from someone I never knew. There were two that I appreciated more than all the others. One was, under everyone's hard shell is someone who wants to be appreciated and loved. Another that always made me laugh was, life is tough, but I am tougher. I just recently discovered that these were quotes from Andy Rooney.

Steve passed away last October at the age of 53. I dream of Steve's was a new veterans nursing facility in Washington County. Today this dream finally might come to reality. Steve wrote me last June and mentioned that if he had to he would pound every nail himself to get the facility built. I can describe Steve as a good and decent man who asked nothing more than protection for his veterans. He was the type of leader that inspired greatness in others. He gave an individual respect regardless of rank. Steven Gaudette who almost reached his dream is gone, but he is not forgotten. He left behind a team of highly qualified professionals that will carry on his dream and for this, I will thank him.

I like to think that Steve always encouraged me in my political career because when he was angry with me he would refer to me as Governor. When he was real angry with me, we will forget about that one. Being Irish, my only retaliation to Steve would be, okay Yankee Doodle, have it your way.

As this new facility is built in Washington County and even though others will put up the 2 x 4s and pound the nails, Steve Gaudette will be silently watching and smiling for this will bring to a close a dream that will be fulfilled. Thank you Mr. Speaker.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. The sentiment says it all as did the previous statements by my two colleagues. I would suggest to all of you that if you have not had the opportunity, go visit the veterans home in your neighborhood. Take a look around. You will see the fingerprints of Steven Gaudette all over them. They certainly will stand as a testimonial from a man who was very loyal to those who defended our country.

The **SPEAKER**: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. We have very, very fond memories of Steve Gaudette from the veteran's community. I know Steve right now probably is smiling down and he is squaring away all those Marines who guard the streets in heaven, according to the Marine Corp. hymn. He watched over us here and I am sure he is watching over the veterans there. God bless you Steve. We will miss you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I knew Steve as a young boy and as a teenager. Steve hung around with the same crowd that my youngest brother was with. They were the same age. Steve was a fine teenager. He was a boy that any mother would be proud to have. He used to come into my store probably daily. In the later years he was part of our community and he ran the Dairy Dandy in Berwick. He did a fine job at that. Everyone who knew Steve really loved him. He grew into a fine person. We are all very proud today that we knew Steve Gaudette.

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The House paused in a moment of silence.

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**ADOPTED** and sent for concurrence.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)** on Bill "An Act to Support Family Farms"

(S.P. 463) (L.D. 1516)

Signed:

Senators:

KNEELAND of Aroostook

KILKELLY of Lincoln

NUTTING of Androscoggin

Representatives:

McKEE of Wayne

HAWES of Standish

LUNDEEN of Mars Hill

PINEAU of Jay  
 VOLENIK of Brooklyn  
 JODREY of Bethel

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

Signed:

Representatives:

GOOLEY of Farmington  
 FOSTER of Gray  
 CARR of Lincoln

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-424).**

**READ.**

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

Representative GOOLEY of Farmington **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 PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. This particular bill with its amendment adds one position to the Department of Agriculture at a cost of \$60,000. It also includes state funding to pay 100 percent of the health program for the future employee who would be employed in the Department of Agriculture and also partial insurance coverage for the family. This comes at a time when private payers are having increases of up to 50 percent per year. There is no doubt that farm families need help, there is no doubt about that. We all need help. Aren't there enough programs already to handle what this particular program has? Citizens have to be responsible for themselves and this includes farm families.

Right now we have a \$200 million shortfall or whatever the shortfall is right now. I guess it is kind of changing week to week. Supposedly we have a hiring freeze, but in reading ads in papers recently, where did the freeze go? The state general fund budget when I started here in 1995 was \$3.2 billion. That is in 1995. Now it is \$5.3 billion or an increase of \$2.1 billion since 1995.

That is a lot of money. Fiscal responsibility, what is it? I am not sure anymore what fiscal responsibility is. Do we really have fiscal responsibility now? Not when we keep adding positions like this bill wants to do. Thank you Mr. Speaker.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. This is an important bill, I feel, for the agricultural community. It is a nine to three report. It does provide for a senior planner at the Department of Agriculture to assist farmers in making decisions at some very critical times in their lives. Do I accept ready cash for this farm which will likely acquiesce to development pressure or do I try to navigate the sometimes complicated route of applying for Farms for the Future Program through the Land for Maine's Future Board.

It is an extremely important issue to the farming community. I certainly recognize what the good Representative from Farmington has said. There are hiring freezes, but as you know, there are waivers for positions that are critical to our state. Each of us probably has some opinions on which are critical, but certainly in order to do what is necessary for the 65,000 people who are engaged in a \$1.2 billion industry called farming and

recognizing the yearly loss of farmland. This is something I think that we need to do. This planner would also develop data to give some guidance to the Land for Maine's Future Program and help to evaluate some of those agricultural projects that are coming up for easements. One of the difficulties in that LMF Program is accessing accurately the values of agricultural lands so that the price is attractive to farmers so that they will want to use the program and that the price is consistent with general assessment practices throughout the state. The program really is useless unless if it can only be used after the land is up for sale in areas of intense development.

You know this, but I will remind you. Farmland acreage is declining all over America. We had someone to speak before the committee last year who had the proverbial pie before us. I was somewhat certain that I knew how much agricultural land there was left in America. When he got down to a very, very tiny sliver and called that farmland acreage, I was very, very disturbed. Here in the State of Maine we have since 1982 gone from some 7,000 farms to 5,800 farms. Acreage is down a quarter million acres since 1987. Dairy farms are down from about 1,200 farms in 1987 to only 447 in 2001. As you can see, farmland acreage is under intense pressure and under a great deal of development pressure. This bill is supported by the Maine Farm Bureau and by the Maine Farmland Trust. I hope you will support it too. Farmland, farming, fisheries, timber, tourism and small business, they are at the heart of our state's identity. When we think of Maine, we think of those things. Help us to try to preserve that Maine that we know that includes very valuable agricultural land by assisting farmers before they have to make some of these very crucial decisions regarding how to deal with their land. Farming is very difficult. It doesn't take much to convince a farmer who is presented with ready cash to simply sell out and get out and to leave farming.

It is a small step. It does require hiring someone in a time when there is a shortfall. If you can see what has happened since 1987 with declining acreage. If we are standing here next year at this time and without further assistance, we will be losing farmland throughout this year. Help us to take that small step today. It will help farmers to make these important financial decisions in an informed and timely way. I would urge all of you to join us on the Majority Ought to Pass Report. Thank you.

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

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

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. Don't we have in the Department of Agriculture right now a person filling this job? It seems like a job description that has been described here this morning. I believe we have a person. Would this supplement that person? Thank you.

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

Representative MCKEE: Mr. Speaker, Ladies and Gentlemen of the House. We do have a person who is trying to do that as a part of her job, but she already had a full time job without doing that. We felt that it was worthy of a full time position. I am just hoping that we can hold on to this. Thank you.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. The first thing you might consider is the Department of Agriculture is opposed to this bill. I, for one, am certainly not willing to force things upon them unless it is to rein them in in some area. That is one thing to think about. The other question to ask is, if we are losing farms and we are losing acreage, how come? I rather doubt that it is because of the lack of this position. We do have a hole in budget, however small or large you may think it may be. So far as I know, the bureaucracy of the State of Maine has only eliminated one position and that is in Old Town. All this would do would be to sort of fill that position in another place, another department. I am not so sure that that makes sense, particularly when the department doesn't want it. I think if we really want to help the farmers of Maine, then we ought to look at the taxes that they pay, both the property taxes and the income taxes. Those are the areas where we can really help them. This is only a crumb. I submit to you that it won't help them very much at all. Thank you very much.

The SPEAKER PRO TEM: 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. 479**

YEA - Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Murphy E, Muse C, Norbert, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young.

NAY - Andrews, Berry DP, Bowles, Bruno, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, McNeil, Morrison, Murphy T, Muse K, Nass, O'Brien JA, Peavey, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Buck, Bumps, Cote, Dugay, Goodwin, Landry, Marley, Marraché, Norton, Sullivan, Twomey, Mr. Speaker.

Yes, 96; No, 42; Absent, 13; Excused, 0.

96 having voted in the affirmative and 42 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 "A" (S-424) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, February 26, 2002.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-428)** on Resolve, to Study School Administrative Unit Organization in Maine

(S.P. 733) (L.D. 2043)

Signed:

Senators:

MITCHELL of Penobscot  
NUTTING of Androscoggin  
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison  
DESMOND of Mapleton  
ANDREWS of York  
WATSON of Farmingdale  
ESTES of Kittery  
CUMMINGS of Portland  
STEDMAN of Hartland  
WESTON of Montville  
LEDWIN of Holden

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

Signed:

Representative:

SKOGLUND of St. George

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-428).**

**READ.**

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

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am new here. Occasionally, I think it is good to have a minority view expressed here in the House simply to encourage the people who hold minority views on the outside to assure them that their voices are being heard and their opinions are considered from time to time. This is only a study that is being requested. Not only is it merely a study, but we already know what the outcome of the study will be. It is a Resolve to Study School Administrative Unit Organization in Maine. The outcome will be that there are still opportunities for savings in pooling resources and considering further consolidation. I think that is what the outcome will likely be.

We are already able to do many of these things, pool our forces, share superintendents, look into improved busing, these are things that we all wish to do, have done and will continue to do. I don't think we need a study to indicate that is necessary and desirable.

As far as urging, I think it will urge further consolidation, that closes more schools in small communities. I think that is something that we have to be very cautious about doing. When a school is closed in a community, much of the heart and soul of that community dies as well.

I have two islands in my district that have closed schools, Criehaven, the village actually died completely when the school was closed some years ago. There are no more permanent residents on Criehaven. The school on Matinicus is closed this year. It has not been officially shut down, but there are no students and it doesn't operate. Matinicus is at risk of losing its population because of the lack of a school.

In towns on the mainland where the school is closed, the people continue to reside, but the heart and soul of the community dies a little more. It is true that it is expensive to maintain schools. It is costly to maintain communities. It is costly

to maintain individual granges, separate churches, masons and other fraternal organizations, but the people generally feel it is worth the expense and effort to maintain our communities. That is what I want to stress. It is important to maintain our communities.

Some years ago the United States Postal Service decided to upgrade post offices through the state, which seems like a desirable goal. St. George Post Office fell below the standards of acceptability, so they shut it down and solved the problem. There are schools in the State of Maine that some people say should be shut down because they don't meet the standards. Perhaps instead we should upgrade those schools and attempt to maintain those communities. We will go to almost any extent to maintain economic activity. That seems to be legitimate, but I think we should also make the same attempt to maintain the social activity of a town. It is very important that children spend time in their own communities. In most places as soon as a child is big enough to walk and climb those steps, we put him on a big yellow school bus and ship him somewhere else. Children are growing up as strangers in their own communities in Maine. Many, many young people in town I don't know and they don't know me because they have never lived there. We wonder why young Maine people don't stay? They have developed no loyalty, no attachment to the soil in their communities.

I think communities are worth the effort. When it comes to highways, we wouldn't think of saying we can no longer afford to plow the snow to certain places or maintain the roads. No. The study will show that consolidation will pay off in terms of dollars if there are savings to be made, but that is all that can be measured is the dollars. You can't measure the other values that are involved and you know what they are.

I think part of the resistance to paying property taxes, I am one who resists vehemently, is that we resent paying taxes for schools in someone else's community. If you have a school in your own town, you see where the money is going. You are much happier to do that.

Why resist even this study? Most of you will probably remember the story of the tar baby by Joel Chandler Harris. You will recall that briar fox wanted to capture a rabbit. The rabbit was just too wily to be captured. Briar fox fashioned a tar baby, a little doll out of tar and set it by the road knowing that the rabbit would be attracted to it. In the course of the story, the rabbit spoke pleasantly to the tar baby. The tar baby said nothing. Briar fox he lay low. You recall that. Finally the rabbit got so excited and frustrated with this tar baby who wouldn't speak that he struck it. He stuck fast to that tar baby. You know in the Legislature that we are not aggressive people like that rabbit. If we are aggressive it is passive aggressive. I have found that I have gotten into some difficulty, not by striking out at the tar baby, but by shaking hands with him, making a friendly gesture. There are several matters that have come before this Legislature that I at first shook hands with. What harm can it do? My hands were covered with tar when I finally did get clear and to some people they have never been clean completely.

I think this bill for a study is a tar baby. New members coming into the House or into the other chamber will be presented with the information. The study says that, and they will take that as gospel, committee members will say we are already on this route, let's continue going. It will go from there. I am just cautioning you on this bill for studying further administrative organization study that it looks like further consolidation to me. I plan to vote against it. I won't urge you to do so because it has never done any good. I want you to know why I am going to vote against it. Mr. Speaker, I ask for a roll call when the vote is taken. Thank you.

Representative SKOGLUND of St. George **REQUESTED** 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 PRO TEM**: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to remind the members of the House that this is merely a study. Passing this piece of legislation does nothing, but set up a study. Legislation to act on the study will come in another legislative session. You are only agreeing to set up a study to see if there is any need for changes. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Just a reminder that this bill has no fiscal note. The money will be coming out of the Department of Education and the State Board of Education's current budget. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Mr. Speaker, Ladies and Gentlemen of the House. I had the opportunity to moderate a SAD meeting, SAD 68 meeting, in the Dover-Foxcroft area a little while ago over the loss of a community school. It reached a point where funding and loss of students came into play. These people were willing to amalgamate or consolidate with other SADs in order to keep their taxes down and in order to facilitate keeping some of the schools open. I think this study is a study that time has come. I know that in Piscataquis County we will receive it with a great deal of relish. Thank you very much Mr. Speaker.

The **SPEAKER PRO TEM**: 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. 480**

**YEA** - Andrews, Annis, Belanger, Berry RL, Bliss, Bouffard, Brannigan, Bryant, Bull, Bunker, Chizmar, Clark, Clough, Colwell, Cowger, Cummings, Desmond, Dunlap, Estes, Etnier, Gagne, Gooley, Hatch, Hawes, Honey, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Shields, Simpson, Stanley, Stedman, Tarazewich, Tessier, Tobin J, Treadwell, Usher, Volenik, Watson, Weston, Mr. Speaker.

**NAY** - Ash, Baker, Berry DP, Blanchette, Bowles, Brooks, Bruno, Canavan, Carr, Chase, Chick, Collins, Crabtree, Cressey, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Duplessie, Duprey, Foster, Fuller, Gerzofsky, Glynn, Green, Hall, Haskell, Heidrich, Jacobs, Jodrey, Kasprzak, Labrecque, MacDougall, Madore, McGowan, McLaughlin, Mendros, Michael, Morrison, Muse C, Muse K, Nass, O'Brien JA, O'Brien LL, Peavey, Perkins, Pinkham, Schneider, Sherman, Skoglund, Smith, Snowe-Mello, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Bagley, Buck, Bumps, Cote, Fisher, Goodwin, Landry, Marley, Marrache, Norton, Sullivan, Young.

Yes, 75; No, 64; Absent, 12; Excused, 0.

75 having voted in the affirmative and 64 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-428)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 26, 2002.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Provide Disclosure and Financial Protections to Temporary Workers"

(S.P. 507) (L.D. 1594)

Signed:

Senators:

EDMONDS of Cumberland

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township

TARAZEWICH of Waterboro

TREADWELL of Carmel

MacDOUGALL of North Berwick

DAVIS of Falmouth

CRESSEY of Baldwin

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-425)** on same Bill.

Signed:

Representatives:

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ**.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. As you can see, this is a fairly decently divided report. It is on an important issue. We will probably have many folks follow that will speak of the good points on either side. The vote was reconsidered in committee, which caused this further separation in report. I just wanted to let you know that I wasn't there when they reconsidered the bill. I would ask that you listen to the issues on the floor here and vote your conscience and vote appropriately. The issue is an important issue and I am sure that Representative Smith and others will clarify the issue on one side and Representative Treadwell will on the other side. Thank you.

Representative **MATTHEWS** of Winslow **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. First of all, I want to commend the good Chair for giving us an opportunity to talk about this issue and following forward his good job as chairman on the House side in our Labor Committee.

I would hope that you would not support the pending motion and I would just like to state a few reasons why. We heard from a number of individuals at the hearing and certainly there were a number of folks there representing temporary employment companies. In fact there were quite a few there. The issue deals with temporary workers and in terms of their abilities to enjoy the full protections under the current labor laws that we have in our state. I believe that temporary workers are not fully protected. We heard from the sponsor of this legislation about some examples where workers had contacted her, the good Senator from Kennebec, Senator Treat, who I am not supposed to mention on the floor of the House and I think we have an opportunity to look at this issue.

As the amendment talks about the ability of a temporary worker to seek employment, full time employment, one should not be reprimanded or discharged or treated in any negative fashion by a temporary service company, employment company, because they are seeking full time work. I think that is a basic right of citizenship and folks in the workplace to look for full time employment. We are certainly going to talk about the issues of part time workers and their hardships in our state, probably at a later time. That concerns me.

It was also pointed out in our committee that a number of these temporary workers, because of their situation, utilized their company to cash their payroll checks and they are charged for this service. I don't think that is appropriate either. I hope that we will have a little discussion about this bill before we render a decision on it. I know that it probably will go the other way, but I think it is important that the Labor Committee stand up for workers, whether they are full time workers or temporary workers. We have to stand up for all workers in Maine. I am trying to do that today.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask you to take a moment, my colleagues, to read the document, which is amendment (425). When you read it you will see that it does not ask very much for the temporary workers that one would not expect as a basic right of any employee in this state. The temporary workers are basically people who are hired through agencies to work with other employees. They are not well protected and they have no basic rights. This amendment does no more than give them certain basic rights that any human being should have. It talks about protecting them from being restricted by their agency from accepting full time employment. This is just a basic thing that one would want for anyone. It protects them against having the company hiring them, being restricted from hiring them. Everyone in our state has a desire and an ambition to work and to find full time work. We are trying to remove barriers that are now imposed and keeping our temporary workers from working. Another basic protection which many of us would never even see is that these temporary workers often find that they are not being paid very much, but often times there are still another amount of money taken out just for the privilege of cashing their check by the company they are working for. I think this is outrageous. I think we should think about whether in good conscience we should allow this to be done to those in our state who have the least given to them. It also protects them against discrimination for asserting the rights in this act. I ask you to look at the amendment (425) and in good conscience are these people in our state not entitled to this protection. I would ask you to defeat



the pending motion to Ought Not to Pass and move onto the minority. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. With all due respect to the good Representative from Van Buren, last I knew, free checking was not a basic human right. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. It seems we have another segment of our employer community in the State of Maine in the cross hairs. It is too bad. This bill was supported by one proponent during the public hearing and 11 opponents spoke against the bill. We also have in my file, and I am sure the rest of the members of the committee have several letters from various organizations and individuals around the state who are in opposition to this bill. The issue of check cashing. No temporary employee is required to cash their check with their temporary employer and pay a fee for it. They can cash that check at any financial institution they wish.

I would like to read a couple of the comments from some of the letters that we received to indicate just what this bill is all about. I have a letter from the Enterprise Policy Group. It is to refute the claim that temporary workers are paid less than the regular workers of any employer. There are instances where this may occur, but temporary workers who are assigned to a client are usually paid more than the full time employees of that client. Temporary staffing companies are increasing their benefit package offerings to temporary workers. Central Maine Power sent us a letter. It said that last year they employed 48 casual employees, 18 for union positions, 30 non-union and 10 of them were students. One temporary employer testified at the public hearing that when there is a plant closing or a reduction in the staff at a plant, that is where they go to recruit employees and they have to hurry because the other temporary employers are also there doing the same thing. They are putting those people who are laid off back into the employment rolls and I think providing a good service to the employees of the State of Maine.

I got one call from a temporary employee, not in my district, but in an adjoining town, that said she didn't want a permanent position. She has a full benefit package from the temporary employer and she enjoys the flexibility of the temporary job. She doesn't want to go to work on a permanent basis. I would urge the House to accept the motion that is one the floor and let's put this one to rest.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. I just wanted to address a couple of points. It is my feeling and my opinion that if you are a temporary worker and you showed up to our public hearing, what are your chances of getting a job again in that temporary agency if you are speaking against them. My feeling is probably not very good. Did we hear from a lot of temporary workers? No. It is up to you to figure out why. My opinion is that they probably would have never gotten another job. Second of all, the people that we are talking about, a lot of them do not have cars, do not have identification, don't have driver's licenses. For them to be able to get to a bank and cash their check is a slim choice sometimes. They don't have much choice. They take the easiest route they can do so they can get their money. We are talking about temporary workers, people who don't have a lot. People who have been laid off and at the bottom. They are trying as best they can to find employment. All we are doing here is saying that they can take

full time employment. We are not even saying that the temporary agency can't charge a fee. They can charge a fee to the employer. The second thing we are doing is saying you don't have to pay for cashing your check. They are two simple things. I hope you defeat the pending motion and vote with us on the Ought to Pass as amended.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Representative **CRESSEY** of Baldwin **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 Baldwin, Representative Cressey.

Representative **CRESSEY**: Mr. Speaker, Ladies and Gentlemen of the House. As you see, I am in favor of this Ought Not to Pass motion on the floor. In committee it was interesting to note that not one single temporary worker in the State of Maine came before our committee to testify for this bill. I would like to point out, Mr. Speaker, that I am a temporary worker. As a matter a fact, once session ends, I do not have a job lined up at this moment in time. I know with full confidence that if I was to go with any of the four temporary agencies that I have worked for last year, that I probably will find employment.

The bill before us, if it was to pass, would actually hurt all of us temporary workers. When reading the bill and even with the amendments that are proposed to it, if this were to be passed, it would put every temporary employment agency out of business in the State of Maine. Where would people like me go to find a job? Many of my colleagues that I worked with in temporary agencies are single moms with children. Where will they turn to to find a job? Many employers will then have to do what they contract out with temporary agencies in looking for employees and of course a lot of these businesses will not have the resources like temporary agencies do in looking for workers. Where I live in Baldwin, most of the jobs are in the Portland, South Portland area and many of those jobs are not posted even in the *Portland Press Herald*. I have to go through other avenues to look for a job. I would encourage each of my colleagues in this House to vote for the pending motion that this bill Ought Not to Pass. Thank you Mr. Speaker.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I just want to comment in response to the good Representative from Baldwin, Representative Cressey. We didn't hear from any of the temporary employment companies that this bill would put them out of work. Quite to the contrary, they just don't want to be regulated at all. I guess that probably is the crux of the issue. I think the good Representative Smith pointed out extremely well, as he always does in our committee, this is providing basic protections to workers, whether they are temporary workers or full time workers, every worker. I guess it comes down to a philosophical question. Do you think temporary workers should be protected in some small way? I guess I do.

The other point I want to comment on as the good Representative from Newport, Representative Kasprzak, I have no problem with companies charging a fee if they have to do that to an employee or a temporary worker to cash is or her payroll check. When they charge an excessive fee that really cuts into a

wage that in many cases is really low, that is when it becomes a policy issue for a legislative body to get involved in. I would say to the credit of temporary employment companies in Maine, we heard that most of them don't do that. I appreciate that and I know the members of my committee appreciate hearing that. I would remind us that we don't work in a vacuum in Maine. We are part of the collective nation we have. I have heard a number of cases in other states where some of these temporary employment companies move into a state, take advantage of a layoff, for some it is very helpful, but others may not be so benevolent in taking advantage of a downturn and come in and also charge excessive fees to their employees to cash their payroll check. It has become a problem nationally. I think the good Senator who put this bill in recognized that. Sometimes I guess that little dose of medicine or therapy to prevent our citizens from getting taken advantage of is in good order. This is kind of preventative medicine.

Again, these companies just don't want to be regulated at all. From their partisan or parochial point of view, I can understand why they want that position. Members of the Labor Committee and the Legislature, we are here to protect all of our citizens.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I am a member of the Labor Committee and I have a letter here from a Julia Como from the Work Source Staffing Services. In the letter it says, "In closing, I just wanted to say again that this bill will have serious negative affect on my business because of the financial burden it would impose. This would put me in a position where I would not compete with national staffing firms and therefore make it difficult, if not impossible, to stay in business. It would not only put me out of business, but many other employees out of a job. I feel this bill is discriminating and it is being addressed with only the staffing industry and not to other businesses as well. I also have to ask what type of administrative burden present to the Maine State Labor Department? I would greatly appreciate your support in defeating this bill so I can stay in business."

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. This particular bill when it did come to committee, often what you look for is some sort of a balance. In other words, if you have some that are for and some that are against, not necessarily equal, but some measure of support or some measure against, you can weigh something and come up with something of a consensus. In this case, as was pointed out earlier, there were several temporary agencies that came out opposed to this legislation. There was no temporary worker that came to testify for this bill. Where is the outcry? This is a solution looking for a problem.

Some of the points that were made by the temporary agencies as being good corporate citizens in the State of Maine that one point was made that 50 percent of all temporary workers have health insurance of some source, whether from the staffing form or perhaps with a spouse or in other ways. It isn't like no one has any coverage.

The second point that was made was that virtually any employee who wants benefits can find a staffing firm that offers them. The third point that was made is that staffing firm health benefits are both accessible and affordable for most workers. The waiting range is the usual 30 to 90 just like any other employer in order to protect against adverse selection.

A fourth point, 60 percent of the staffing firms nationally offer 401K and profit sharing plans and it was stated that here in

Maine that industry is on target with that national figure of 60 percent. Often times we try and pass things around here just in case there is a problem. The problem with that is you are not addressing or making our laws that adapt to that particular problem when it surfaces. We didn't have evidence of a problem surfacing before the committee.

Another point that was made is that staffing firms actually have to protect, under the Labor Law, their employees, but they also have protections because they deal with employers. The protection for Maine citizens is to the full extent of the law and they actually made the argument that they may be held jointly liable under the Fair Labor Standards Act to protect both employees for not complying with minimum wage and overtime laws as well as the issues for employees. I would urge you to vote with the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. A lot of the debate and arguments you have heard regarding this temporary worker bill has essentially been beating on a dead horse. Those provisions, which they have been talking about, which were going to put people out of business, whatever the credibility of that claim is, are no longer before you. Let me read to you briefly what is before you. If you accept the minority position, it is going to give a temporary worker this protection. It will say a temporary services company may not restrict the right of a temporary worker to accept a permanent position with a client company or restrict the right of a client to offer permanent employment to a temporary worker. What is wrong with that? It goes on to make it even more acceptable to the temporary worker agencies so they can get some money out of it and that is what they are in it for. This subsection does not restrict a temporary services company from receiving a reasonable placement fee from the client. They are still making money. All we are trying to do is give a temporary worker a chance to get a full time job. I appreciate that.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. Would the Minority Report preclude a temporary agency from contracting with the potential employer to prevent them from hiring a temporary worker? Could that still be something contracted between the temp agency and the employer?

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. The amendment would preclude anything that would restrict a client from hiring a temporary worker full time.

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. 481

YEA - Andrews, Berry DP, Bowles, Brannigan, Bruno, Bull, Bunker, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Dunlap, Duprey, Fisher, Foster, Glynn, Gooléy, Heidrich, Honey, Jodrey, Jones, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lovett, Lundeen, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil,

Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM.

**NAY** - Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brooks, Bryant, Canavan, Chick, Chizmar, Clark, Cowger, Cummings, Desmond, Dorr, Dudley, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Kane, Laverriere-Boucher, Lessard, Mailhot, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

**ABSENT** - Bagley, Buck, Bumips, Colwell, Cote, Landry, Marley, Marrache, Mendros, Norton, Sullivan, Winsor, Young.

Yes, 68; No, 70; Absent, 13; Excused, 0.

68 having voted in the affirmative and 70 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-425)** 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-425)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**SENATE PAPERS**

The following Joint Order: (S.P. 787)

**ORDERED**, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 26, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, February 26, 2002, at 10:00 in the morning.

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

The following Joint Resolution: (S.P. 788)

**JOINT RESOLUTION HONORING THE MEMORY OF DUANE "BUZZ" D. FITZGERALD**

WHEREAS, it is with great sadness that we have received the news of the death of Duane "Buzz" D. Fitzgerald, former Chief Executive Officer of Bath Iron Works, after a battle with brain cancer; and

WHEREAS, Mr. Fitzgerald was a native of St. John, son of a shipbuilder and a graduate of Morse High School in Bath and attended Boston University, where he earned 3 degrees, including one in law and one in business; and

WHEREAS, Mr. Fitzgerald practiced law for 23 years, including a stint as Bath Iron Works outside counsel, and in 1987 he joined Bath Iron Works as executive vice president; and

WHEREAS, in 1988, Mr. Fitzgerald became president and chief operating officer of Bath Iron Works and 3 years later became the firm's chief executive officer; and

WHEREAS, Mr. Fitzgerald deeply loved his family, his company and the State of Maine and was known for his integrity, loyalty and his deep commitment to his ideals; and

WHEREAS, Mr. Fitzgerald served the people of Maine in many ways and contributed much to his community. In the final months of his illness, he continued to give and teach and exemplified all the best qualities of what Governor King called being a "pillar of the community"; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent take this opportunity to honor the memory of the respected career and life of Duane "Buzz" D. Fitzgerald and to pay our respects and extend our condolences to the family of this highly esteemed gentleman; and be it further

**RESOLVED**: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Mr. Fitzgerald's loving family on behalf of the people of Maine and as a token of their esteem and affection.

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

**READ** and **ADOPTED** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District" (EMERGENCY)

(H.P. 1630) (L.D. 2132)

Sponsored by Representative CARR of Lincoln. (GOVERNOR'S BILL)

Cosponsored by Senator CATHCART of Penobscot and Representative: STANLEY of Medway.

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

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

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. 678) (L.D. 1880) Bill "An Act to Reduce Identity Theft by Requiring Truncated Credit Card Receipts" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-426)**

(H.P. 1442) (L.D. 1939) Bill "An Act to Allow Landowner Permits to be Issued for Turkey Hunting" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 441) (L.D. 562) Bill "An Act to Allow Municipalities to Create Capital Improvement Districts" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-822)**

There being no objections, the above item was 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:

(S.P. 668) (L.D. 1872) Bill "An Act to Enable the State to Enter into an Agreement with Other States to Simplify and Modernize Sales and Use Tax Administration" (EMERGENCY)

(H.P. 70) (L.D. 79) Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance" (C. "B" H-811)

(H.P. 373) (L.D. 475) Bill "An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects" (C. "A" H-814)

(H.P. 414) (L.D. 535) Bill "An Act to Expand Educational Opportunities" (C. "A" H-813)

(H.P. 1475) (L.D. 1976) Bill "An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code" (C. "A" H-812)

(H.P. 1500) (L.D. 2003) Bill "An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine" (EMERGENCY) (C. "A" H-819)

(H.P. 1517) (L.D. 2021) Bill "An Act Regarding Provisional Certification for Teachers and Administrators" (C. "A" H-815)

(H.P. 1568) (L.D. 2073) Bill "An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data" (EMERGENCY) (C. "A" H-818)

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

**PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

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**UNFINISHED BUSINESS**

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

HOUSE REPORT – **Ought to Pass** – Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes"

(H.P. 1458) (L.D. 1955)

TABLED – February 1, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **ACCEPTANCE OF COMMITTEE REPORT**.

On motion of Representative POVICH of Ellsworth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE** and sent for concurrence.

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On motion of Representative TUTTLE of Sanford, the House adjourned at 12:10 p.m., until 9:30 a.m., Tuesday, February 26, 2002 pursuant to the Joint Order (S.P. 787) and in honor and lasting tribute to Steven Conrad Gaudette, of North Berwick.