

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

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Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
20th Legislative Day
Tuesday, February 26, 2002

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

Prayer by Father Coleman P. O'Toole, St. Patrick's Church, Portland.

National Anthem by Monmouth Academy Swing Chorus.

Pledge of Allegiance.

Doctor of the day, Gilliam Johnston, M.D., Oakland.

The Journal of Thursday, February 21, 2002 was read and approved.

SENATE PAPERS

Pursuant to Joint Order

Joint Standing Committees on Business and Economic Development and Judiciary

Report of the **Joint Standing Committees on Business and Economic Development and Judiciary** pursuant to Joint Order 2001, S.P. 769 asks leave to report that the accompanying Bill "An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program"

(S.P. 786) (L.D. 2131)

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and the Committee on **JUDICIARY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 380)

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 658 An Act to Continue Funding for the Maine Microenterprise Initiative Fund

L.D. 687 An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State

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

Sincerely,

S/Sen. Kevin L. Shorey

Senate Chair

S/Rep. John G. Richardson

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 381)

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1903 Resolve, to Provide Computers to Rural Fire Stations

L.D. 1987 An Act to Increase the Penalty for Appropriating Another Person's Social Security Number

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

Sincerely,

S/Sen. Michael J. McAlevey

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 382)

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1958 Resolve, Directing the Department of Education to Fully Reimburse Center-based Developmental Therapy Programs under Contract with Child Development Services.

L.D. 1992 An Act to Require that the State Board of Education Have One Student Member

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

Sincerely,

S/Sen. Betty Lou Mitchell

Senate Chair

S/Rep. Shirley K. Richard

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 383)

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

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

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

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

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 384)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 761 An Act Pertaining to Bear Hunting Permits

L.D. 1861 An Act to Restrict the Use of Motors Greater than 10 Horsepower on Certain Ponds in Chain of Ponds Township in Franklin County

L.D. 2040 An Act to Change the Registration Requirement for Certain Motorboats Used in Maine Waters

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

Sincerely,

S/Sen. David L. Carpenter

Senate Chair

S/Rep. Matthew Dunlap

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 385)

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

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1734 An Act to Promote Safe Schools

L.D. 1928 An Act to Authorize the Trial of Child Custody Cases Involving the Houlton Band of Maliseet Indians in the Penobscot Nation Tribal Court

L.D. 1950 An Act to Change the Requirement for Court-ordered Mental Examination

L.D. 1986 An Act to Allow the State to Attach and Hold in Escrow Funds From Legal Settlements and Awards for the Purpose of Paying Child Support Obligations

L.D. 1994 An Act Concerning Passamaquoddy Land in Grand Lake Stream Plantation

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

Sincerely,

S/Sen. Anne M. Rand

Senate Chair

S/Rep. Charles C. LaVerdiere

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 386)

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

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 2034 An Act to Provide Fairness in State Bid Criteria

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

Sincerely,

S/Sen. Betheda G. Edmonds

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 387)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1937 An Act to Benefit Maine's Economy

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr.

Senate Chair

S/Rep. William R. Savage

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 388)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 22, 2002

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under 5 M.R.S.A., §12004-I, sub§50-A, I am pleased to reappoint Joseph Ditre of Manchester to the Consumer Health Care Advisory Council as a public member.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 389)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO DEVELOP A PLAN TO IMPLEMENT
THE CLOSURE OF STATE LIQUOR STORES**

February 21, 2002

The Honorable Richard A. Bennett, President

Maine State Senate

The Honorable Michael V. Saxl, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

This letter is to inform you that the Commission to Develop a Plan to Implement the Closure of State Liquor Stores has submitted the attached report including recommended legislation to the Joint Standing Committee on Legal and Veterans' Affairs of the 120th Maine Legislature, pursuant to Public Law 2001, chapter 358. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Beverly C. Daggett, Chair

Commission to Develop a Plan to Implement

the Closure of State Liquor Stores

S/Representative John L. Tuttle, Jr., Chair

Commission to Develop a Plan to Implement

the Closure of State Liquor Stores

READ and with accompanying papers ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Pursuant to Joint Order

Joint Standing Committee on State and Local Government
Representative McDONOUGH for the **Joint Standing Committee on State and Local Government** pursuant to Joint Order 2001, H.P. 1598 asks leave to report that the accompanying Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine

(H.P. 1631) (L.D. 2134)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Conservation**

Representative McKEE for the **Department of Conservation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

(H.P. 1632) (L.D. 2135)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative RICHARD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1633) (L.D. 2136)

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

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

Sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices"
(S.P. 688) (L.D. 1890)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

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

Signed:

Senator:

DOUGLASS of Androscoggin

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

READ.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-415)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34

(S.P. 676) (L.D. 1879)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

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

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

Signed:

Representatives:

KASPRZAK of Newport
HASKELL of Milford
CRESSEY of Baldwin

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

READ.

On motion of Representative McDONOUGH of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-827)** on Bill "An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields"

(H.P. 1107) (L.D. 1476)

Signed:

Senators:

SHOREY of Washington
YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent

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

Signed:

Representative:

DUPREY of Hampden

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Resolve, Establishing the Commission to Examine the Maine Correctional Institute (EMERGENCY)

(H.P. 993) (L.D. 1330)

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
TOBIN of Dexter
PEAVEY of Woolwich
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-832)** on same Resolve.

Signed:

Representatives:

O'BRIEN of Lewiston

BLANCHETTE of Bangor
QUINT of Portland
SNOWE-MELLO of Poland
GERZOFSKY of Brunswick
MITCHELL of Vassalboro

READ.

On motion of Representative POVICH of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-832)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-832)** and sent for concurrence.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Student Threats Against School Personnel" (H.P. 1474) (L.D. 1975)

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-820)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

CUMMINGS of Portland

READ.

On motion of Representative RICHARD of Madison, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-829)** on Bill "An Act to Improve Maine's Jail Diversion Programs" (H.P. 191) (L.D. 202)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
SIMPSON of Auburn
MUSE of South Portland
MENDROS of Lewiston

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

Signed:

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon

READ.

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that you will vote against the pending motion and vote for the Minority Ought Not to Pass Report. I have always been against legislation that has a market redundancy to it. This piece of legislation is that. It is redundant. It is telling the judiciary department that it can go ahead and do something that it can already do.

The opponents to this legislation, one of them anyway, happens to be the Department of Mental Health and Mental Retardation that says the legislation is premature. Not only is it premature, but it is unnecessary. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. The original draft of LD 202 sought to establish mental health courts to hear cases involving individuals with severe mental illness charged with misdemeanors or non-violent felonies. The purpose of the bill was to divert as many of these individuals to treatment as possible and away from criminal incarceration.

Let me give you just a little background on the issue of the mentally ill and jails and prisons because we have already heard how this is a redundant bill. In 1992 the National Alliance for the Mentally Ill released a report revealing that alarmingly high numbers of people with schizophrenia, bipolar disorder and other severe mental illnesses were being incarcerated in jails and prisons across the country. The report said that most of these people had not committed major crimes, but either had been charged with misdemeanors or just minor felonies directly related to the symptoms of their untreated illness. The report also revealed the recidivism rate for this population was high because they failed to receive appropriate treatment at the outset of their illnesses.

We like to think that our attitudes about the mentally ill have improved in the year 2002 and that our treatment of them is much more humane now a days than in the dark ages, even in our jails and prisons. I would ask you to consider the content of the following article published by the Alliance for the Mentally Ill just last year. Here is what it said, "Last winter a young man with mental illness and substance abuse problems who had been arrested for stealing prescriptions from a pharmacy became suicidal while being held at the county jail. Following established protocols in our state, he was transferred to Maine's most restrictive system, the Super Max in Warren as a means to monitor his suicidal frame of mind. At the Super Max if a person is considered a danger to himself or others, the following protocol

is followed: removal of all belongings, including clothing and placement in isolation for 23 hours a day, one hour of daily recreation is allowed and that takes place in a dog run. This young man committed suicide at the Super Max." Shortly after this incident the *Maine Times* published two articles about another young man being held in the Super Max. This man considered manipulative by the Correctional System by the lengthy history of trauma and abuse had cut himself, set himself on fire and bitten off his own fingertips while in isolation in Maine's Super Max. Stories like these are common in jails and prisons all across the nation."

I would ask that you weigh the enormous cost to us all if we do not take steps to provide adequate care for people suffering from a mental illness. These costs may be hard to define statistically, but they are still very real. They include unemployment, poverty, homelessness, criminalization, social isolation and in some cases premature deaths. Jails are designed to focus on a person's offense and to emphasize detainment and conformity to correctional rules rather than treatment. This approach can be detrimental to offenders with psychiatric disorders. Sheriffs call for diversions so that jails would be free to perform their primary function, which is protecting people.

The amended version before you today would simply authorize the Judiciary to apply for and accept federal grant money to develop a pilot program to divert individuals with severe mental illness charged with minor crimes treatment instead of incarceration. My understanding is that several million dollars in grant money has been made available to states for this purpose.

Having worked as an advocate for the families of persons with mental illness, I know the devastation this disease can bring to families and to its victims and the last thing that they need is the added burden of seeing a loved one thrown into jail when what is really needed is adequate treatment for their illness. Authorizing the Judiciary to apply for available grant money is a good start to our changing a system that desperately needs changing. I would ask that you accept the Majority Ought to Pass Report. Thank you.

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

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 482

YEA - Annis, Ash, Baker, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Crabtree, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Muse C, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Clough, Collins, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Lovett, MacDougall, Madore, McKenney, Morrison, Murphy T, Muse K, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Stedman, Treadwell, Waterhouse, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Blanchette, Cote, Cowger, Goodwin, Landry, Norbert, Weston.

Yes, 99; No, 44; Absent, 8; Excused, 0.

99 having voted in the affirmative and 44 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-829)** 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" (H-829)** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Concerning the Payment of Child Support"

(H.P. 1202) (L.D. 1624)

Signed:

Senators:

McALEVEY of York

FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

JACOBS of Turner

MUSE of South Portland

MADORE of Augusta

WATERHOUSE of Bridgton

SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-830)** on same Bill.

Signed:

Senator:

RAND of Cumberland

Representatives:

MITCHELL of Vassalboro

SIMPSON of Auburn

MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-817)** on Bill "An Act to Hold an Advisory Referendum on Term Limits"

(H.P. 1003) (L.D. 1340)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle

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

Signed:

Representative:

MAYO of Bath

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act to Dissolve the Ministerial Accounts in the Town of Readfield's Trust Fund"

(H.P. 1416) (L.D. 1860)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
HASKELL of Milford

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

Signed:

Representatives:

CHASE of Levant
CRESSEY of Baldwin

READ.

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

The Bill was **READ ONCE**.

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** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 713) (L.D. 1915) Bill "An Act to Amend the Civil Service Law with Respect to Veterans' Preference" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 721) (L.D. 1923) Bill "An Act to Amend Maine's Wild Turkey Hunting Season" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(H.P. 1288) (L.D. 1752) Bill "An Act to Update the Department of Defense, Veterans and Emergency Management Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-837)**

(H.P. 1427) (L.D. 1865) Bill "An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects and Engineers Whose Services Do Not Exceed \$25,000" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-826)**

(H.P. 1429) (L.D. 1926) Bill "An Act to Amend the Boundaries Between Ripley and St. Albans" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-825)**

(H.P. 1435) (L.D. 1932) Bill "An Act to Protect Police Horses" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-834)**

(H.P. 1448) (L.D. 1945) Bill "An Act to Promote Organ Donation" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-840)**

(H.P. 1463) (L.D. 1960) Bill "An Act to Promote Safety of Families through the Workplace" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-841)**

(H.P. 1492) (L.D. 1995) Resolve, Regarding Participation in Regional Transmission Organization (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-838)**

(H.P. 1494) (L.D. 1997) Bill "An Act Regarding Fire Safety Laws for Residential Care Facilities" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-833)**

(H.P. 1534) (L.D. 2037) Bill "An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-835)**

(H.P. 1564) (L.D. 2069) Bill "An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-836)**

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:

(S.P. 678) (L.D. 1880) Bill "An Act to Reduce Identity Theft by Requiring Truncated Credit Card Receipts" (C. "A" S-426)

(H.P. 1442) (L.D. 1939) Bill "An Act to Allow Landowner Permits to be Issued for Turkey Hunting" (EMERGENCY)

(H.P. 441) (L.D. 562) Bill "An Act to Allow Municipalities to Create Capital Improvement Districts" (C. "A" H-822)

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act to Support Family Farms"

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

(C. "A" S-424)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

Resolve, to Study School Administrative Unit Organization in Maine

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

(C. "A" S-428)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-428)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-843)** to **Committee Amendment "A" (S-428)** which was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-843)** to **Committee Amendment "A" (S-428)** and later today assigned.

ENACTORS

Emergency Measure

An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland

(S.P. 499) (L.D. 1586)

(C. "A" S-416)

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. 131 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.

Emergency Measure

An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

(H.P. 1407) (L.D. 1845)

(C. "A" H-772; H. "A" H-810)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 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 the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds

(H.P. 1419) (L.D. 1863)

(C. "A" H-806)

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. 139 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 Enable the State to Enter into an Agreement with Other States to Simplify and Modernize Sales and Use Tax Administration

(S.P. 668) (L.D. 1872)

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. 127 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year

(S.P. 726) (L.D. 1967)

(C. "A" S-417)

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

Emergency Measure

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

(H.P. 1428) (L.D. 1925)

(S. "A" S-423)

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

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

The SPEAKER: The Representative may pose her question.
 Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. To anyone who might answer, what exactly is this commission doing that we have seen for some time now? Why do they need this extension? Wouldn't the money best be spent on feeding the poor rather than talking about it? Thank you.

The SPEAKER: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. This is a commission that I have been chair of for about three years. It is a commission that has worked hard and long on various issues. It is a commission that has been very dedicated to helping out people who have problems with hunger in the State of Maine. You would be surprised how many areas in our life are affected by being hungry. We have just asked if we could just have this delayed until next year so we can report back. We have several bills that we would like to put in that are very good. That is why we have asked you to do this. We did get a unanimous report out of committee, which I thank them very much for. I am asking for your support. Thank you.

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. 120 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
 Public Land**

Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement

(H.P. 1455) (L.D. 1952)
 (C. "A" H-804)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, 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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Amend the Loan Broker Law

(H.P. 1396) (L.D. 1835)
 (C. "A" H-789)

An Act Regarding Fire Inspections for Foster Homes

(H.P. 1409) (L.D. 1847)
 (S. "A" S-427)

An Act to Improve the Juvenile Drug Court Program

(S.P. 658) (L.D. 1850)

An Act to Clarify the On-premise Liquor License Application Process

(S.P. 681) (L.D. 1883)

An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises

(S.P. 706) (L.D. 1908)
 (C. "A" S-418)

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

(S.P. 714) (L.D. 1916)
 An Act to Amend the Integrated Pest Management Laws
 (S.P. 716) (L.D. 1918)
 (C. "A" S-413)

An Act to Allow Approval of Internet-based Alcohol Server Education Courses

(S.P. 717) (L.D. 1919)

An Act Concerning the State Board of Funeral Service

(H.P. 1438) (L.D. 1935)
 (C. "A" H-788)

An Act to Modify the Time of Constituent Service Allowance Payments

(H.P. 1444) (L.D. 1941)
 (C. "A" H-802)

An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee

(H.P. 1456) (L.D. 1953)
 (C. "A" H-797)

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities

(H.P. 1464) (L.D. 1961)
 (C. "A" H-796)

An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules

(H.P. 1476) (L.D. 1977)

An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil

(H.P. 1477) (L.D. 1978)
 (C. "A" H-807)

An Act to Modernize the Procurement Practices at the Department of Transportation

(H.P. 1483) (L.D. 1984)
 (C. "A" H-798)

An Act to Restructure the Advisory Council on Tax-deferred Arrangements

(H.P. 1508) (L.D. 2011)
 (C. "A" H-800)

An Act to Amend the Election Laws

(H.P. 1519) (L.D. 2023)
 (S. "A" S-422 to C. "A" H-776)

An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws

(H.P. 1550) (L.D. 2053)
 (C. "A" H-793)

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, to Direct the Department of Transportation to Submit Proposed Legislation Permitting Limited Application of Canadian Highway Weight Standards

(H.P. 400) (L.D. 521)
 (C. "A" H-808)

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

(S.P. 673) (L.D. 1876)
 (C. "A" S-414)

Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy

(H.P. 1488) (L.D. 1991)
(C. "A" H-801)

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 Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program

(H.P. 375) (L.D. 477)
(C. "B" H-783)

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

On motion of Representative BERRY of Livermore, was **SET ASIDE**.

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

An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services

(H.P. 779) (L.D. 1023)
(C. "B" H-785)

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

On motion of Representative BERRY of Livermore, was **SET ASIDE**.

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

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

(H.P. 916) (L.D. 1230)
(C. "B" H-784)

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

On motion of Representative BERRY of Livermore, was **SET ASIDE**.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 21, 2002, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax"

(S.P. 242) (L.D. 810)

TABLED – February 6, 2002 (Till Later Today) by Representative NORBERT of Portland.

PENDING – ADOPTION OF COMMITTEE AMENDMENT "A" (S-407).

Representative CLOUGH of Scarborough presented **House Amendment "A" (H-824)** to **Committee Amendment "A" (S-407)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. LD 810, "An Act to Amend the Laws

Governing the Deduction of Pension and Retirement Benefits from State Income Tax" as amended by Committee Amendment "A", almost gets it right. The bill, as presented, addresses all, but on of the traditional methods of providing an ongoing income stream after an individual working years have come to an end.

This amendment address an important aspect of how our friends and neighbors throughout the State of Maine select and fund income sources for their retirement years. As you know, there are a variety of ways in which a person can prepare for his or her retirement, social security, railroad retirement benefits, public pensions, private pensions, military pensions and of course income from investments, which include interest of savings, dividends from stocks and bonds, interest and dividends from an approved retirement savings account such as a 401K.

This bill, LD 810, as amended by Committee Amendment "A" (S-407), would allow each recipient of benefits realized from any combination of employee retirement plans to qualify for a deduction of up to the specified maximum. For example, \$8,000 in the year beginning January 1, 2002 and increasing by \$1,000 annually until being capped at \$20,000 in the year 2012.

Let me explain what is wrong with this bill as presented and how House Amendment (H-824) will correct the problem. The bill defines employment retirement plan as a state, federal or military plan or any retirement benefit established and maintained by an employer for the benefit of its employees. The definition of employee retirement plan does not include an individual retirement account, a Roth IRA, a rollover individual retirement account or a ineligible deferred compensation plan. This is really unfair to Maine working men and women who were either self-employed or were not fortunate enough to work for an employer with a pension plan, those who of necessity chose to fund a portion of their retirement through personal savings and investments.

Many people who started their working careers in the '40s, '50s and '60s had little, if any opportunity, to participate in a pension plan. In those days if you didn't work for New England Telephone, Central Maine Power or state or federal government, you most likely had social security benefits to look forward to at retirement and that was it.

I believe that all Maine retirees should have an equal opportunity to receive the tax exemption on monies received for retirement. Whether he or she participated in a company or government pension plan or had the foresight to save, invest and otherwise make plans to take care of themselves in their retirement years, they deserve the same tax treatment.

This amendment corrects the inequities of the bill by allowing any taxpayer over the age of 65 to include income derived from interest, ordinary dividends and net capital gains taxable in this state in the calculation of pension income. It further changes the definition of employee retirement plan to include, rather than exclude, an individual retirement account, a Roth IRA, a rollover individual retirement account or an ineligible deferred compensation plan.

Allowing retirees an income exemption for a portion of their retirement income is a good idea. Let's make sure that we give all Maine retirees the same opportunity to participate. Ladies and gentlemen of the House, this is the right thing to do. I ask you to vote for passage of this amendment. When the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-824)** to **Committee Amendment "A" (S-407)**.

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

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the amendment that is before us from the good Representative from Scarborough. He is absolutely correct. This is the right thing to do. It is the right thing to do for all of the small business people and independent business owners that live in your communities and are your constituents. This bill will help keep retirees in state. It will help attract retirees to this state. Those are both things that we have stated on the floor of this House many times that we wish to see happen.

Additionally, it will encourage people to save for their own retirement, thereby making them less dependent upon government programs. This will help our budget. It will help the retirees. I remind you that 90 percent of Maine businesses are small independent business people. They are the beauty shop owners, the barbers, the garage owners, the independent sales people, the small shop owners. They are your neighbors. They are your friends. They are places you do business and they are your constituents. Please help them out.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. This amendment seems to offer a fiscal note of \$12,742,475 in fiscal year 2002-2003. Is that correct?

The SPEAKER: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I believe he is incorrect. The fiscal note for this portion of the bill, this amendment, in 2002-2003 is \$5,776,192. They calculated this on. They figure that there are 15,000 retirees that would be affected by this. It amounts to an average of \$385 per retiree. I suggest that that is still a little high because most of these retirees have some social security so they will only be taking a portion of their deduction from income from dividends and interest.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-824) to Committee Amendment "A" (S-407). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 483

YEA - Annis, Ash, Baker, Belanger, Berry DP, Bliss, Bouffard, Bowles, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Duplessie, Duprey, Estes, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pery, Pineau, Pinkham, Povich, Quint, Richard, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy,

Trahan, Treadwell, Tuttle, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Berry RL, Brannigan, Dunlap, Etnier, Laverriere-Boucher, Mailhot, Twomey, Volenik.

ABSENT - Andrews, Bagley, Blanchette, Cote, Cowger, Goodwin, Jacobs, Landry, LaVerdiere, Lovett, Richardson, Watson, Weston.

Yes, 130; No, 8; Absent, 13; Excused, 0.

130 having voted in the affirmative and 8 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-824) to Committee Amendment "A" (S-407) was ADOPTED.**

Committee Amendment "A" (S-407) as Amended by House Amendment "A" (H-824) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-407) as Amended by House Amendment "A" (H-824) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Bill "An Act to Strengthen the Habitual Offender Law"

(S.P. 653) (L.D. 1832)

TABLED - February 7, 2002 (Till Later Today) by Representative FISHER of Brewer.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-409).**

Subsequently, **Committee Amendment "A" (S-409) was ADOPTED.**

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

Representative SAVAGE of Buxton **PRESENTED House Amendment "B" (H-816)**, which was **READ** by the Clerk.

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

Representative **FISHER**: Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation was designed to tighten up on habitual offender laws, to stretch out the period of time that a habitual offender had to contemplate why he got that status to begin with. The law makes it a little more difficult for the habitual offender to get his license back early. As the committee decided on this bill, we looked at what was habitual offender. From our view point, a habitual offender was one who grossly violated the driving laws, OUI, excessive speed, driving to endanger. We want to get these folks off the road. We have all had folks like that in our districts that created more than their share, an excessive amount of damage on the road to property and other individuals.

The good Representative from Buxton came to us after we had had a unanimous committee report and brought to our attention the fact that there were those who might be affected by this bill who had not violated road rules and asked for an exclusion. The amendment that is before us today deals with that exclusion. That has to do with those who are in violation of child support laws.

What the amendment does is not in any way, shape or form take away the responsibility of those individuals to pay what they are supposed to pay. As I said in caucus the other day, if they

don't pay it, I've got to pay it and I don't like that idea one bit. What it does is not include them as habitual offenders of driving laws. Let us make sure that we keep the habitual offender offense to those that violate, grossly violate and do it frequently, the highway safety laws. Thank you very much Mr. Speaker.

House Amendment "B" (H-816) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-409) and House Amendment "B" (H-816) in NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-791)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create the Office of the Maine-Canada Envoy"

(H.P. 1505) (L.D. 2008)

TABLED - February 13, 2002 (Till Later Today) by Representative McDONOUGH of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative McDONOUGH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-791)** was **READ** by the Clerk.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-791).**

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

Representative SHERMAN of Hodgdon **PRESENTED House Amendment "A" (H-809) to Committee Amendment "A" (H-791),** which was **READ** by the Clerk and **ADOPTED.**

The **SPEAKER:** A roll call having been previously ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-791) as Amended by House Amendment "A" (H-809). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 484

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Kane, Koffman, Labrecque, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell,

Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Bull, Duprey, Kasprzak, Waterhouse.

ABSENT - Andrews, Bagley, Blanchette, Cote, Cowger, Dugay, Goodwin, Jacobs, Landry, LaVerdiere, Lovett, Morrison, O'Brien LL, Savage, Watson, Weston.

Yes, 131; No, 4; Absent, 16; Excused, 0.

131 having voted in the affirmative and 4 voted in the negative, with 16 being absent, and accordingly **Committee Amendment "A" (H-791) as Amended by House Amendment "A" (H-809)** thereto was **ADOPTED.**

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

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

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 Newport, Representative Kasprzak.

Representative **KASPRZAK:** Mr. Speaker, Men and Women of the House. To anyone who might answer, what does the amended version of LD 2008 now say?

The **SPEAKER:** The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN:** Mr. Speaker, Ladies and Gentlemen of the House. The change from the original bill is where it had Canadian envoy, which sounds like an individual running around in long tails and cummerbund. What this has changed to is the Washington State model that has an ombudsperson with powers to help small businesses and businesses level the playing field, in this case United State and Canada. There is some talk that this duplicated what is being done with the International Trade Center, but the International Trade Center is operating at a rather higher level with trade missions. Washington State has something very similar to this. They will try to clean up some of the glitches, work with businesses on both sides of the border to try to have a freer and fairer flow of trade.

The duties are on the second page of the amendment (H-809) on your desk. The crucial part for me was item 4 on the duties. That talks about the duties of the ombudsmen and talks about investigation, resolution complaints and negotiation. This ombudsmen shall answer inquiries from citizens and businesses in this state and investigate, advise and work toward resolution of complaints that arise concerning trade issues. The ombudsmen may negotiate on behalf of businesses in this state with their consent with individuals, businesses and governmental entities of Canada to secure fair trade treatment of products and services in this country.

I might add that this was a lengthy hearing before State and Local Government. I have a folder full of this material if we care to go into it. There are complaints and issues around the trade across the border. I think Paragraph 4 really lays out the duties of what we would like this individual to do. It is very similar to Washington State's.

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

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

The **SPEAKER:** The Representative may pose her question.

Representative **KASPRZAK:** Mr. Speaker, Men and Women of the House. May I ask what the fiscal note is on this bill?

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

ROLL CALL NO. 485

YEA - Annis, Ash, Baker, Belanger, Berry DP, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chick, Clark, Clough, Collins, Colwell, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Hutton, Jodrey, Jones, Kane, Koffman, Labrecque, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Berry RL, Bull, Chase, Cressey, Duprey, Hall, Kasprzak, McDonough, Mitchell, Muse C, Pinkham, Waterhouse.

ABSENT - Andrews, Bagley, Blanchette, Brooks, Chizmar, Cote, Cowger, Honey, Jacobs, Landry, LaVerdiere, Lovett, Mayo, Morrison, Savage, Watson, Weston.

Yes, 122; No, 12; Absent, 17; Excused, 0.

122 having voted in the affirmative and 12 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-791) as Amended by House Amendment "A" (H-809)** thereto and sent for concurrence.

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-419) - Committee on TRANSPORTATION on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds

(S.P. 705) (L.D. 1907)

TABLED - February 19, 2002 (Till Later Today) by Representative FISHER of Brewer.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I have opened my copy of the Maine Constitution to Article 14 so many times that the binding has broken. It is falling out of the book. That is because I have seen numerous assaults on the provisions contained therein. I will thank the Transportation Committee for bringing this proposal through the front door. It is very refreshing to see this up front and done properly. However, I hope, ladies and gentlemen of the House, that you will close that front door on this proposal. When I first saw this proposal, I thought it was Government Facilities Authority like. However, that is not the case. I understand the intent behind the measure. The argument that it will save money is a compelling one. However, the dangers I see in its adoption

outweigh, in my opinion, any gain in expediency or cost savings that are hoped to be achieved. Where will it stop? If this agency, why not others? A case certainly can be made for saving money through adoption of these provisions through other agencies. Our Constitution has few provisions or limitations on the state's appetite to borrow and spend. I am not one to support measures to weaken those provisions. The provisions found in Article 9, Section 14, are there to act as a firewall, if you will, between the state's ability to borrow and spend and the citizen's right to affirm or negate it. Let us maintain that firewall in tact. I ask you to vote against this measure. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First my appreciations to the good Representative from Bridgton, the Transportation is among many things, but an honorable group that always goes through the front door. As you all know, Maine has a very short construction season. It becomes very important for us to be able to hit the ground running very early in the season if we are going to get our jobs done. Sometimes the federal dollars that we need to complete these projects don't come in in a timely fashion. This bill simply gives the department the ability to bond, very similar to what all of our communities do, with revenue anticipation bonds. They are up to 50 percent of the revenue that is going to be sent by the federal government. The revenue has to be paid back in 12 months. It is not a long-term loan. It enables us. It enables the department to do the job that we need to have done to keep our roads and our bridges in good shape. I hope you will follow the unanimous committee report. We did not take this lightly. We understand the questions that some of the folks in this body have about it. We think this is the responsible way to handle our problems. Thank you.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. As with other borrowing proposals, I am urging that you defeat this proposal solely on the basis that the State of Maine is borrowing too much money in too many creative ways. This certainly fits that bill, in my opinion. Don't think for an instant that this is where it is going to end. There was a recent article in *Governing* that indicated that some states are now borrowing in anticipation of funding from HUD to build housing for poor people. Is every piece of federal money, are we going to borrow in anticipation of that? We get about \$100 million every two years in education funding. God knows we could use that up front. We don't have enough money to do anything and certainly not everything. Are we going to borrow in anticipation of doing everything or anything? Please vote against this.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. From time to time our colleagues accuse us, on the Transportation Committee, of being a rubber stamp for the DOT. I can assure you that that is not the case and it certainly is not the case in this issue before us today. We worked very hard to make sure that the language on this Constitutional Amendment tied their hands very tightly so that a future DOT commissioner could not abuse this borrowing provision. I share Representative Nass' concern about our level of borrowing. This particular provision allows DOT to only borrow 50 percent of the highway funds that they had received in the previous year and they have to pay it back within 12 months. It is a very short-term borrowing arrangement.

Those of you who are in business probably recognize the term, line of credit. It is nothing more than a line of credit for the Department of Transportation to be able to smooth over the rough spots in their construction projects. This is primarily for projects that would last multi-years, several years, where they might have to start and stop a project because the incoming funding is not there. Their line of credit, in this case, GAN as they call it, Grant Anticipation Note, would smooth over those rough spots. One of the things that comes to mind is the 302 project that is going to be a multi-year project that will have to fund from several fiscal years. The other one that comes to mind is down in Biddeford at the five points project. Those are major projects. They may not be able to bring these in on time and efficiently without this kind of a tool. I urge you to vote with me and vote for this amendment. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. My first question is, how many other states presently do this practice? Have we checked with the Treasurer of the State of Maine about the long-term financial implications for us doing this?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Ladies and Gentlemen of the House. I wish I could give an accurate accounting to the good Representative from Sanford. I believe it is 11 states are using this now. As to the second question, I don't know.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I, too, appreciate the Transportation Committee coming through it this way, the appropriate way, to amend the Constitution. I just don't agree that this is the most important issue going and that this is good reason to amend the Constitution. It seems to me that the purpose is for us to spend money that we don't have in our pocket more quickly. As to the seasons that we have, the amount of time that we have to improve roads in this state, it seems it is the same state and we have had the same seasons all these years, so I don't know what the difference is there except that maybe they are a little longer because of supposed global warming.

To address the fact that there may be 11 other states that do this presently, because 11 other states are foolish enough to get into deeper debt, I don't believe is a good reason for us to follow. If the whole country follows this pattern, I don't believe it is a good pattern to follow. I would urge you to vote against this committee report and I would request a roll call.

Representative KASPRZAK of Newport REQUESTED a roll call on the motion to ACCEPT the Ought to Pass as Amended Report.

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

The SPEAKER: The Chair recognizes the Representative from 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, Ladies and Gentlemen of the House. To anyone in the chamber that would like to answer, it seems that a session ago we passed a sizable bond issue to try to reduce the debt load within the Department of Transportation. Would this increase and be contradictory to that bond that we just passed? Thank you.

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 Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. The answer to that would be no. We are getting off the subject. We all stay in this body and we talk about good management and best business practice. Why don't we do things more like they do on the outside and run this government like a business? Ladies and gentlemen, this bill right here is exactly that. We are asking the people out there to allow DOT to run their shop like a business so that we can efficiently take bids, do construction, get the people out in the field to do the right-aways, to do the planning, to get that environmental stuff done in anticipation that that money is coming and then we start talking about this crazy stuff about seasons. We can do much of this work at various times during the year in anticipation that that money is coming. We are only talking about 50 percent of the project money so it is very, very conservative in nature, but allows us to make our business in DOT efficient like the business that we all like to look to out in the private sector. This has nothing to do with going in debt greater and going into a greater deficit and all those kinds of things. We are not borrowing to do get into debt further to do a project where all we are doing is asking for the ability to act like our municipalities, collect the money, get the project on the road and then repay it in an efficient way. I think it is good business sense and I ask all of you to support it.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for this bill. It is good business. It is expedient and it gets our roads fixed and gets them fixed now. I beg you to pass this bill.

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

ROLL CALL NO. 486

YEA - Annis, Ash, Baker, Berry DP, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Clark, Collins, Colwell, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jodrey, Jones, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Schneider, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Belanger, Bowles, Buck, Carr, Chase, Clough, Cresse, Duprey, Foster, Glynn, Goodwin, Haskell, Kasprzak, Labrecque, MacDougall, Mendros, Michael, Murphy T, Nass,

O'Brien JA, Perkins, Pinkham, Rosen, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Tuttle, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Blanchette, Chizmar, Cote, Cowger, Dugay, Fuller, Honey, Jacobs, Landry, LaVerdiere, Lovett, Mayo, McGowan, Morrison, Savage, Watson, Weston.

Yes, 101; No, 31; Absent, 19; Excused, 0.

101 having voted in the affirmative and 31 voted in the negative, with 19 being absent, and accordingly the **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE. Committee Amendment "A" (S-419) was READ** by the Clerk.

Representative FISHER of Brewer **PRESENTED House Amendment "A" (H-842) to Committee Amendment "A" (S-419)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-419) as Amended by House Amendment "A" (H-842) thereto was ADOPTED.

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

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-419) as Amended by House Amendment "A" (H-842) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **NORTON:** Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll calls 475 through 480, that would be LD 1953, 1118, 1868, 2017, 1516 and 2043, if I had been present, I would have voted yea on all of those.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study" (S.P. 789) (L.D. 2133)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

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

On motion of Representative SULLIVAN of Biddeford, the House adjourned at 12:30 p.m., until 9:30 a.m., Wednesday, February 27, 2002.