

# 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  
FIRST REGULAR SESSION  
21st Legislative Day  
Wednesday, February 27, 2002

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

Prayer by Reverend Lin Arnold, School Street United Methodist Church, Gorham.

National Anthem by Kary Young, Maine State Grange, Danville.

Pledge of Allegiance.

Doctor of the day, Jo Linder, M.D., Falmouth.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.P. 790)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

February 22, 2002

Hon. David L. Carpenter

Senate Chair, Joint Standing Committee on Inland Fisheries & Wildlife

Hon. Matthew Dunlap

House Chair, Joint Standing Committee on Inland Fisheries & Wildlife

120th Legislature

Augusta, ME 04333

Dear Senator Carpenter and Representative Dunlap:

Please be advised that Governor Angus S. King, Jr. has nominated Raymond H. Poulin, Jr. of Ripley for reappointment and Tenley A. Meara of Topsham, Sara A. Dyer of New Gloucester and Robert S. Savage of Limington for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, M.R.S.A., §7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

**READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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The Following Communication: (S.C. 585)

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

February 26, 2002

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Labor on Bill, "An Act to Provide

Disclosure and Financial Protections to Temporary Workers." (S.P. 507) (L.D. 1594)

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Change the Governing Board of the George Stevens Academy in Blue Hill" (EMERGENCY)

(H.P. 1639) (L.D. 2142)

Sponsored by Representative **VOLENIK** of Brooklin.

Cosponsored by Representative: **PERKINS** of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

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**Pursuant to Public Law**

**Joint Standing Committee on Agriculture, Conservation and Forestry**

Representative **McKEE** for the **Joint Standing Committee on Agriculture, Conservation and Forestry** pursuant to Public Law 2001, chapter 399, section 8 asks leave to report that the accompanying Bill "An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare"

(H.P. 1638) (L.D. 2141)

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.

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**Pursuant to Statute**

**Department of Professional and Financial Regulation**

Representative **RICHARDSON** for the **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 1635) (L.D. 2138)

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

Report was **READ** and **ACCEPTED**.

On motion of Representative **RICHARDSON** of Brunswick, the Resolve was **REFERRED** to the Committee on **BANKING AND INSURANCE**, ordered printed and sent for concurrence.

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**Pursuant to Statute**

**Department of Professional and Financial Regulation**

Representative **RICHARDSON** for the **Department of Professional and Financial Regulation** pursuant to the Maine

Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation (EMERGENCY)

(H.P. 1636) (L.D. 2139)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute  
Department of Human Services**

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1637) (L.D. 2140)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED**.

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

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**Pursuant to Statute  
Department of Labor, Bureau of Labor Standards**

Representative BUNKER for the **Department of Labor, Bureau of Labor Standards** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

(H.P. 1634) (L.D. 2137)

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

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

Sent for concurrence.

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**ORDERS**

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1640) (Under suspension of the rules, cosponsored by Senator KNEELAND of Aroostook and Representatives: CARR of Lincoln, FOSTER of Gray, GOOLEY of Farmington, HAWES of Standish, JODREY of Bethel, LANDRY of Patten, LUNDEEN of Mars Hill, PINEAU of Jay, VOLENIK of Brooklin, Senators: KILKELLY of Lincoln, NUTTING of Androscoggin)

**JOINT RESOLUTION IN HONOR OF THE  
MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, Maine's 6,900 farms provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises and associated industries provide more than 500 million dollars in the sale of farm products and contribute more than 1.2 billion dollars annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,250,000 acres of land that is a vital resource in maintaining the food security of Maine people; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, 2nd in the nation in the production of maple syrup, 8th in the nation in production of fall potatoes and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture forged Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

**READ.**

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

Representative **McKEE:** Mr. Speaker, Men and Women of the House. It is an honor to rise this morning to recognize the many men and women in our state who provide food for us. People who are preserving those beautiful remnants of open space that we have across the state and to contribute so greatly to our cultural heritage. Time was when this body had many farmers sitting in the seats. As early as my first term here, we had two full-time farmers. Today we have one, to my knowledge, and that is the good Representative from Mars Hills, Representative Lundeen, who is a potato farmer. Why is that important? It is important because we come here not only to represent our constituents, but we represent our backgrounds as well. Thankfully many of us do come from farming backgrounds. I would say that probably half of us sitting in this body have had grandparents or great grandparents who were full time farmers. Many of us know farmers who got up this morning long before we did and although we complain about our schedules, know that a Maine farmer was up well before us and will be up well after we go to bed tonight.

There is a reason to be proud to be a farmer today, I think, however. I think that this body and the Legislature in general over the past few years has tried to do everything that it could to preserve agricultural land from development, to show appreciation for what these farmers do, the tiny sliver of the pie that is devoted to agriculture regarding land in this country is dwindling every year. We have grown to realize that we must do something in order to preserve that. We can be proud that there is a program in sustainable agriculture at the University. Thanks to our good commissioner we have a campaign called the Get

Real Maine campaign. It is a delight to see that label on so many products. We also have the support of the markets across the state that are showcasing our products as well. We have an improved integrated pest management program. We have done more work in composting. We are trying to improve water management practices. We have a fledgling nutrient management program. Farmers are adopting new technologies. The Land for Maine's Future has a part of its program devoted specifically to farmland protection. Farmers are engaged in better business practice and better business planning. We have a Cattle Health Assurance Program. All of these things we can be proud of, in addition to all of the things that are written in the Resolution. People as far away as China eat brown eggs from Maine. Wild blueberries are served not only by the illustrious Martha Stewart, but by people all over this world thanks to the better marketing of the Department of Agriculture and farmers across the state who market those blueberries.

We have challenges though. The global market demands lower cost production and that is tough. It demands high-quality products and creative marketing. Those are our three biggest challenges. We need new markets. We need to add value to our products and at the same time we want to make it possible for these people to stay on their land and maybe encourage your children and our grandchildren to become better stewards of the land and perhaps to go into sustainable agriculture and farming as a way of life. No one sector of our society could be closer to the earth. What you love, you will learn to protect. Let's send our guests who are here today out with our great honor and respect and pleasure that they still do what they do and encourage our youth to go into this also. Thank you very much Mr. Speaker.

**ADOPTED.**

Sent for concurrence.

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

### SPECIAL SENTIMENT CALENDAR

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

#### Recognizing:

Andrea Owens, of Otisfield, who has been selected as one of three out of 37,000 people nationwide to be the newest milk-moustache models for the "got milk?" advertising campaign. Andrea is a member of the junior class at Oxford Hills Comprehensive High School, where she is the star basketball center. We send our congratulations to Andrea upon being selected for the advertising campaign and extend our best wishes to her in her future pursuits;

(HLS 928)

Presented by Representative HEIDRICH of Oxford.  
Cosponsored by President BENNETT of Oxford, Representative WINSOR of Norway, Representative GAGNE of Buckfield.

On **OBJECTION** of Representative HEIDRICH of Oxford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. Many, many times I have invited you to the beauty of the Oxford Hills and some of you have come. Today, I would like to bring a little bit of the beauty of the Oxford Hills for you to see personally. This young lady is a beautiful girl

from a beautiful family. I am just so proud that I can stand here and recognize her, Andrea Owens. Andrea, congratulations.  
**PASSED** and sent for concurrence.

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### REPORTS OF COMMITTEE

#### Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases"

(S.P. 173) (L.D. 601)

Signed:

Senators:

McALEVEY of York  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
O'BRIEN of Lewiston  
TOBIN of Dexter  
GERZOFISKY of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-434)** on same Bill.

Signed:

Representatives:

QUINT of Portland  
PEAVEY of Woolwich  
MITCHELL of Vassalboro

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

**READ.**

On motion of Representative POVICH of Ellsworth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Increase the State Share of Health Insurance for Certain Retired Teachers"

(S.P. 510) (L.D. 1629)

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township  
MATTHEWS of Winslow  
NORTON of Bangor  
SMITH of Van Buren  
TARAZEWICH of Waterboro  
MacDOUGALL of North Berwick  
DAVIS of Falmouth  
CRESSEY of Baldwin  
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-436)** on same Bill.

Signed:

Representative:

HUTTON of Bowdoinham

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

**READ.**

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-437)** on Bill "An Act to Permit the Town of Atkinson to Deorganize" (EMERGENCY) (S.P. 707) (L.D. 1909)

Signed:

Senators:

PENDLETON of Cumberland  
YOUNGBLOOD of Penobscot  
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias  
McDONOUGH of Portland  
HATCH of Skowhegan  
LESSARD of Topsham  
KASPRZAK of Newport  
MURPHY of Berwick  
CHASE of Levant  
HASKELL of Milford  
CRESSEY of Baldwin

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

Signed:

Representative:

McLAUGHLIN of Cape Elizabeth

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-437)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-437)** 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-437)** in concurrence.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-839)** on Bill "An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce" (H.P. 944) (L.D. 1258)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township  
MATTHEWS of Winslow  
HUTTON of Bowdoinham  
NORTON of Bangor  
SMITH of Van Buren  
TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

TREADWELL of Carmel  
MacDOUGALL of North Berwick  
DAVIS of Falmouth  
CRESSEY of Baldwin

**READ.**

Representative BUNKER of Kossuth Township 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.

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### CONSENT CALENDAR

#### First Day

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

(S.P. 755) (L.D. 2091) Bill "An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 776) (L.D. 2112) Bill "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(S.P. 666) (L.D. 1870) Bill "An Act to Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-429)**

(S.P. 697) (L.D. 1899) Bill "An Act Relating to the Dissemination of Intelligence and Investigative Information" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-433)**

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

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### CONSENT CALENDAR

#### Second Day

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

(S.P. 713) (L.D. 1915) Bill "An Act to Amend the Civil Service Law with Respect to Veterans' Preference"

(S.P. 721) (L.D. 1923) Bill "An Act to Amend Maine's Wild Turkey Hunting Season" (EMERGENCY) (C. "A" S-430)

(H.P. 1288) (L.D. 1752) Bill "An Act to Update the Department of Defense, Veterans and Emergency Management Laws" (C. "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" (C. "A" H-826)

(H.P. 1429) (L.D. 1926) Bill "An Act to Amend the Boundaries Between Ripley and St. Albans" (C. "A" H-825)

(H.P. 1435) (L.D. 1932) Bill "An Act to Protect Police Horses" (C. "A" H-834)

(H.P. 1448) (L.D. 1945) Bill "An Act to Promote Organ Donation" (C. "A" H-840)

(H.P. 1463) (L.D. 1960) Bill "An Act to Promote Safety of Families through the Workplace" (C. "A" H-841)

(H.P. 1492) (L.D. 1995) Resolve, Regarding Participation in Regional Transmission Organization (EMERGENCY) (C. "A" H-838)

(H.P. 1494) (L.D. 1997) Bill "An Act Regarding Fire Safety Laws for Residential Care Facilities" (C. "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) (C. "A" H-835)

(H.P. 1564) (L.D. 2069) Bill "An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form" (C. "A" H-836)

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

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

**UNFINISHED BUSINESS**

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

Resolve, to Study School Administrative Unit Organization in Maine

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

TABLED - February 26, 2002 (Till Later Today) by Representative DUPLISSIE of Westbrook.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-843) to COMMITTEE AMENDMENT "A" (S-428).**

Subsequently, **House Amendment "A" (H-843) to Committee Amendment "A" (S-428) was ADOPTED.**

**Committee Amendment "A" (S-428) as Amended by House Amendment "A" (S-428) thereto was ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-428) as Amended by House Amendment "A" (S-428) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Pursuant to House Rule 201.1, the Speaker appointed Representative DUNLAP of Old Town to serve as Speaker Pro Tem on Thursday, February 28, 2002.

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

**UNFINISHED BUSINESS**

The following matters, 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.

Bill "An Act to Fund the Endowment Incentive Fund" (EMERGENCY)

(H.P. 33) (L.D. 42)

- In House, Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** on February 12, 2002.

- In Senate, Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-782) in NON-CONCURRENCE.**

TABLED - February 20, 2002 (Till Later Today) by Representative BERRY of Livermore.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-830)** - Committee on **JUDICIARY** on Bill "An Act Concerning the Payment of Child Support"

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

TABLED - February 26, 2002 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Hawes.

Representative **HAWES:** Mr. Speaker, Ladies and Gentlemen of the House. I urge you to defeat the current motion and go on to pass the Minority Ought to Pass as Amended Report. The bill in its amended version simply requires that any company doing business with the state will report the hiring on independent contractors following the same process that is currently in use regarding the reporting of regular employees. DHS supports this measure in an effort to collect child support stating that closing this significant loophole in wage withholding for subcontractors and self-employed individuals who owe child support with wage withholding is the single most effective mechanism for collecting current support.

How many times in your committee, I know I haven't had this experience, received a letter from an attorney on behalf of one of their clients, Porter Drywall, practically begging us to require more reporting of independent contractors? An attorney from Bernstein, Shur, Sawyer and Nelson writes, "Porter Drywall believes we must change the child support reporting requirement so that businesses are required to report independent contractors as well as employees. In fact, despite the fact that Porter Drywall offers attractive employee benefits, many trade people reject offers of employment because they know that employees are reported for child support enforcement. Porter believes that the state has an opportunity to increase its child support collection efforts by modifying the existing law to require employers to report independent contractors."

According to the recently released Maine Kids Count, 43 percent of families in Maine do not receive the child support that they were awarded from their absent parent. Most non-custodial parents who do not pay child support are either independent contractors or work in the cash economy. No parent being paid with state dollars should be allowed to evade their child support responsibilities simply because they are an independent contractor and not a traditional employee. Although this will not guarantee that every parent lives up to their child support obligations and responsibilities, the amended Minority Report gives the Department of Support Enforcement an additional tool. I urge you to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Considering this measure as I saw the issue being brought forward today, I remembered back to September of last year when as a member of this body, I and many other fellow Representatives and Senators, attended a legislative tour of northern Maine. On that tour we visited a manufacturer of cedar furniture. He spoke to us in the middle of his production floor about many of the ways that he felt that government was making it so difficult for him to run his business. He cited this bill, in particular, talking about how he hires many independent contractors to haul wood and that the amount of oversight and paperwork required was just so cumbersome that it was significantly affecting his business and particularly his response to an action like this would be he would just stop buying wood from his independent contractors. It was just too difficult for him to collect the information. There was too much liability should he collect it improperly. His only way to defend himself was just to not do business with this man anymore.

While we think that here in Augusta that we will pass a law that will have good effects by collecting more money, the actual affect, according to this small businessman, is that he will just cut out this person from getting any employment whatsoever. One more cut to the thousands of cuts that we are giving all of Maine's small businesses. That was a very, very striking speech that he gave me that day. I remember it vividly. It means a whole lot more to me when I think about how I should vote on this bill than what I read in a Kids Count Book. I really believe what this gentleman had to say. This will hurt, not help the process. I will be voting in favor of the pending motion, Ought Not to Pass.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I completely agree with the comments made by the good Representative from Arundel. However, that is why I signed onto a Minority Report that was an amendment to this bill. It specifically states that only people who subcontract through the state, if I can read it, those required to report are the state and any employer who contracts with the state to provide services.

The SPEAKER: Would the Representative please defer? For what reason does the Representative rise?

Representative **DAIGLE**: Thank you Mr. Speaker. Point of Order.

The SPEAKER: The Representative may state his point of order.

Representative **DAIGLE**: Thank you Mr. Speaker. I believe we are debating the Ought Not to Pass motion, not the contents of an amendment that is not before the body.

On **POINT OF ORDER**, Representative **DAIGLE** of Arundel asked the Chair if the remarks of Representative **MENDROS** of Lewiston were germane to the issue.

The SPEAKER: The pending motion is acceptance of the Majority Ought Not to Pass Report. According to the House Rules debate must be confined to that motion. The Representative may proceed.

The Chair admonished that Representative **MENDROS** of Lewiston stay as close as possible to the issue.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I will continue. I would urge you all to defeat the pending motion and get on to an opportunity to look at the Minority Report. If you can look it up in your book to see what it does. People who have contracts with the state, I have spoken

with business people and a contract with the state, many of them are no bid contracts, are very lucrative. It is very beneficial as opposed to the private sector. If this were attacking the private sector, I would certainly not be supporting this bill.

All that being said, there is another big problem that goes on in this state. I can't imagine that the only single parents in this state live in Lewiston. I get an awful lot of calls from single mothers and single fathers that aren't getting their child support and it is a big problem. These people have court orders to get this child support money. There are loopholes and ways around it. We need to be helping these people. We need to do whatever we can to make it easier to close these loopholes so people, deadbeat moms and deadbeat dads will be paying the child support that their kids need. This is what this bill ultimately gets at. The bill itself was pretty draconian. That is why we drafted the Minority Report that gets at the problem. The ultimate problem that we are looking at is a burden on the state and a burden on the custodial parent because people are finding a way around the problem. I can't imagine that anyone in this chamber hasn't had a call from a custodial parent who is not getting the child support that they deserve. I urge you to think about that when you vote.

Representative **MARLEY** of Portland **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 Wilton, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I rise today to indicate the reason why I am on the Majority Ought Not to Pass Report. First I want to say that I absolutely support the concept of going after those who owe child support and are not paying. I think that we need to do more to collect child support. I have been in an attorney involved in a number of matters where we have gone after parents that have not paid and I can tell you that it is a difficult situation for the person who is not receiving what they are entitled to receive.

My concern with regard to this bill has to do specifically with how it would operate. I am concerned that there may be some unintended consequences based upon the wording of this bill. In particular, when you talk about independent contractors, if someone has a contract with the state for more than \$1,000 and they hire an accountant, do they have to report the name of all the individuals in that accounting firm? If they hire an attorney, do they have to list the names of all of the attorneys in that law firm? If they hire someone to mow their lawn, if they hire someone to take some action, do they have to report those individuals? The wording of this bill is, in my opinion, flawed, although the purpose is good and I support the purpose. I voted in committee against the particular bill, not because I have concerns about the concept, but rather I have concerns about the particular wording of the bill that is before us today. Thank you.

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

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I rise to urge you to please vote against the pending motion and move on to pass the Minority Ought to Pass as Amended Report. Children in our state who do not receive their child support and live in single-parent families, if their custodial parent receives child support, they live in poverty at a rate of 15.2 percent. If that parent does not receive the child support that is due them, their poverty rate climbs to 35.7 percent. This is according to the United States Census. This is unacceptable. If child support were an entitlement and the state had to pay the



difference, we would not be debating this bill. Children are going without and are living in poverty and we have an obligation to do all we can to help them. Thank you.

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

**ROLL CALL NO. 487**

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Carr, Chase, Clark, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Glynn, Gooley, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Labrecque, LaVerdiere, Ledwin, MacDougall, Madore, Marrache, Mayo, McDonough, McKee, McKenney, Morrison, Murphy E, Murphy T, Muse C, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Smith, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Blanchette, Bliss, Bouffard, Bryant, Bunker, Canavan, Chick, Chizmar, Cummings, Dorr, Dudley, Duplessie, Gerzofsky, Green, Hall, Hawes, Hutton, Jones, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Norton, O'Brien LL, Paradis, Patrick, Quint,

Simpson, Skoglund, Sullivan, Tarazewich, Tessier, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Cote, Gagne, Goodwin, Landry, Matthews, Muse K, Perry, Thomas.

Yes, 91; No, 51; Absent, 9; Excused, 0.

91 having voted in the affirmative and 51 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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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On motion of Representative SCHNEIDER of Durham, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR** on Bill "An Act to Fund the Endowment Incentive Fund" (EMERGENCY)

(H.P. 33) (L.D. 42)

On motion of Representative NORBERT of Portland, **TABLED** pending the motion to **RECEDE AND CONCUR** and later today assigned.

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On motion of Representative KANE of Saco, the House adjourned at 10:58 a.m., until 9:30 a.m., Thursday, February 28, 2002.