

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
23rd Legislative Day  
Monday, March 4, 2002

The Speaker resumed the Chair.

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

Prayer by Reverend Lily L. James, Riverview Community Parish, South Gardiner.

National Anthem by North Country Strings, Greenville.

Pledge of Allegiance.

Doctor of the day, Jacob Gerritsen, M.D., Camden.

The Journal of Thursday, February 28, 2002 was read and approved.

---

#### SENATE PAPERS

The following Joint Resolution: (S.P. 764)

#### JOINT RESOLUTION RECOGNIZING AND SUPPORTING HEALTHY COMMUNITIES

WHEREAS, health is the result of much more than just medical care. People are healthier when they live in nurturing environments and are involved in the life of their communities; and

WHEREAS, Maine citizens have formed Healthy Communities and Planned Approach to Community Health ("PATCH") coalitions across the State to improve the health of their communities; and

WHEREAS, the Healthy Communities and PATCH coalitions are a broad and sharing network of interrelated groups of citizen volunteers consisting of individuals, families, businesses, schools, churches, health care providers, government and others with similar concerns and values on health and community issues; and

WHEREAS, Maine is a leader in establishing a network of healthy communities largely due to the effectiveness of the volunteer leaders and organizations in meeting local health needs; and

WHEREAS, the dedication and efforts of the citizen volunteers deserve our highest support and encouragement; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, take this opportunity to honor the ideals and accomplishments of the Healthy Communities and PATCH coalitions on the occasion of Healthy Communities Day, February 1, 2002; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Human Services, Bureau of Health in token of the esteem in which we hold the citizen volunteers of the Healthy Communities and PATCH coalitions.

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

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

---

#### Non-Concurrent Matter

Bill "An Act to Create the Office of the Maine-Canada Envoy"

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791) AS**

**AMENDED BY HOUSE AMENDMENT "A" (H-809)** thereto in the House on February 26, 2002.

Came from the Senate with the Reports **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

---

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Extend Unemployment Benefits by 13 Weeks" (EMERGENCY)

(H.P. 1645) (L.D. 2151)

Sponsored by Representative BUNKER of Kossuth Township.

Under suspension of the rules, cosponsored by Senator EDMONDS of Cumberland and Representatives: ASH of Belfast, BERRY of Livermore, BLISS of South Portland, BROOKS of Winterport, CANAVAN of Waterville, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, COLWELL of Gardiner, DORR of Camden, DUNLAP of Old Town, DUPLESSIE of Westbrook, GERZOFKY of Brunswick, GREEN of Monmouth, HATCH of Skowhegan, HUTTON of Bowdoinham, JONES of Greenville, KOFFMAN of Bar Harbor, McDONOUGH of Portland, McLAUGHLIN of Cape Elizabeth, NORBERT of Portland, NORTON of Bangor, PARADIS of Frenchville, PATRICK of Rumford, PINEAU of Jay, QUINT of Portland, RICHARDSON of Brunswick, Speaker SAXL of Portland, SMITH of Van Buren, TARAZEWICH of Waterboro, TESSIER of Fairfield, TUTTLE of Sanford, Senators: CATHCART of Penobscot, DAGGETT of Kennebec, MARTIN of Aroostook, ROTUNDO of Androscoggin, TREAT of Kennebec.

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

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

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

Sent for concurrence.

---

#### Pursuant to Joint Study Order

##### Committee to Review the Child Protective System

Representative LaVERDIERE for the **Committee to Review the Child Protective System** pursuant to Joint Order 2001, H.P. 1385 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Review the Child Protective System"

(H.P. 1644) (L.D. 2149)

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

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

Sent for concurrence.

**Pursuant to Statute**

**Maine Fire Protection Services Commission**

Representative QUINT for the **Maine Fire Protection Services Commission** pursuant to the Maine Revised Statutes, Title 5, section 3371 asks leave to report that the accompanying Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare

(H.P. 1643) (L.D. 2148)

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

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

Sent for concurrence.

---

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Representative Robert Duplessie, of Westbrook, on the special occasion of his retirement, March 1, 2002, as a professional firefighter for the City of Portland after 28 years of dedicated service. He has served faithfully since September 3, 1973 and received the department's Class B Award for Bravery for the rescue of a woman from a plane crash in 1995. Representative Duplessie served as President of the Maine Professional Firefighters Association for 15 years and has been the Legislative Advocate for firefighters for 20 years. We acknowledge his commitment to his profession, to his community and to his state, and extend our congratulations and best wishes to him;

(HLS 968)

Presented by Representative USHER of Westbrook.

Cosponsored by Senator O'GARA of Cumberland, Speaker SAXL of Portland, Representative BRANNIGAN of Portland, Representative CUMMINGS of Portland, Representative MARLEY of Portland, Representative DUDLEY of Portland, Representative McDONOUGH of Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Senator RAND of Cumberland.

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

**READ.**

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

---

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Require Tax-exempt Corporations to File Copies of Federal Internal Revenue Service Form 990 with the Secretary of State"

(S.P. 702) (L.D. 1904)

Signed:

Senators:

RAND of Cumberland

McALEVEY of York

FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
MADORE of Augusta  
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon

MENDROS of Lewiston

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

**READ.**

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

---

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-431)** on Bill "An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities"

(S.P. 672) (L.D. 1875)

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 Bill.

Signed:

Representatives:

KASPRZAK of Newport

HASKELL of Milford

CRESSEY of Baldwin

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-431)**.

**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-431)** 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-431)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Provide a New Opportunity in the Moose Lottery" (H.P. 420) (L.D. 541)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro  
CHICK of Lebanon  
CLARK of Millinocket  
USHER of Westbrook  
PERKINS of Penobscot  
TRACY of Rome  
McGLOCKLIN of Embden

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

HONEY of Boothbay  
BRYANT of Dixfield

**READ.**

On motion of Representative BRYANT of Dixfield, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-844)** on Bill "An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat" (H.P. 1467) (L.D. 1968)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro  
CHICK of Lebanon  
HONEY of Boothbay  
CLARK of Millinocket  
USHER of Westbrook  
TRACY of Rome  
McGLOCKLIN of Embden  
BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-845)** on same Bill.

Signed:

Representative:

PERKINS of Penobscot

**READ.**

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

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

Representative **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to mention the reason

that I didn't vote with the Majority. I agree with the bill as you see it here in front of you, by the title it says what it is. In the committee we added a section that would make it illegal to run a snowmobile across open water. Well, I had a couple three objections with banning it. Mainly I thought we should perhaps allow it and get a \$10 fee for the milfoil sticker, but that didn't go over well. I suggest you vote with the majority. Thank you.

The Bill was **READ ONCE. Committee Amendment "A" (H-844)** 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-844)** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-847)** on Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families (EMERGENCY) (H.P. 1556) (L.D. 2058)

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

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

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

Signed:

Representative:

CRESSEY of Baldwin

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative BRUNO of Raymond **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. 488**

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dudley, Dugay, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hatch, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, MacDougall, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael,

Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Tracy, Twomey, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Labrecque, Ledwin, Madore, McKenney, Mendros, Morrison, Murphy T, Muse K, Nass, Pinkham, Rosen, Schneider, Sherman, Shields, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Young.

ABSENT - Bagley, Baker, Buck, Clark, Dorr, Duncan, Dunlap, Hall, Hawes, Kasprzak, Landry, Lemoine, Lovett, Lundeen, Perry, Skoglund, Smith, Thomas, Tuttle, Usher, Weston, Winsor.

Yes, 86; No, 43; Absent, 22; Excused, 0.

86 having voted in the affirmative and 43 voted in the negative, with 22 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-847) 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-847)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Provide Property Tax Relief in Cumberland County"

(H.P. 1445) (L.D. 1942)

Signed:

Senators:

PENDLETON of Cumberland  
YOUNGBLOOD of Penobscot  
ROTUNDO of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-849)** on same Bill.

Signed:

Representatives:

McDONOUGH of Portland  
McLAUGHLIN of Cape Elizabeth

**READ.**

On motion of Representative HATCH of Skowhegan, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

### CONSENT CALENDAR

#### First Day

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

(S.P. 682) (L.D. 1884) Bill "An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-445)**

(H.P. 370) (L.D. 472) Resolve, to Establish a Fatherhood Issues Study Commission Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-852)**

(H.P. 1173) (L.D. 1573) Bill "An Act to Enact the Uniform Principal and Income Act of 1997" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-851)**

(H.P. 1446) (L.D. 1943) Bill "An Act to Clarify Municipal Reapportionment Authority" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-850)**

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. 744) (L.D. 2074) Bill "An Act to Increase the Debt Limit of the Calais School District" (EMERGENCY) (C. "A" S-443)

(H.P. 1512) (L.D. 2015) Bill "An Act to Amend Certain Statutes Regarding Beano and Games of Chance" (C. "A" H-848)

(H.P. 1524) (L.D. 2028) Bill "An Act to Provide Retirement Equity for Capital Security Officers" (C. "A" H-846)

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 AS AMENDED** and sent for concurrence.

(S.P. 725) (L.D. 1966) Bill "An Act to Amend the Laws Relating to Development Districts" (C. "A" S-441)

On motion of Representative NORBERT of Portland, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ.**

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

### ENACTORS

#### Constitutional Amendment

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)

(H. "A" H-842 to C. "A" S-419)

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

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **FINAL PASSAGE.**

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 489**

YEA - Andrews, Annis, Ash, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dudley, Dugay, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Heidrich, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Simpson, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Twomey, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Bowles, Carr, Chase, Clough, Cressey, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Honey, Jodrey, Labrecque, MacDougall, Mendros, Michael, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse, Young.

ABSENT - Bagley, Baker, Buck, Clark, Dorr, Duncan, Dunlap, Hall, Hawes, Kasprzak, Landry, Lemoine, Lovett, Lundeen, Perry, Skoglund, Smith, Thomas, Tuttle, Usher, Weston, Winsor.

Yes, 97; No, 32; Absent, 22; Excused, 0.

97 having voted in the affirmative and 32 voted in the negative, with 22 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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

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. 115 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 to Allow Landowner Permits to be Issued for Turkey Hunting  
(H.P. 1442) (L.D. 1939)

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. 111 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 to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine

(H.P. 1500) (L.D. 2003)  
(C. "A" H-819)

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. 115 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**

An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data

(H.P. 1568) (L.D. 2073)  
(C. "A" H-818)

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

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I know this is one of those votes that normally everyone would vote red on and switch to green or something. I know that Representative Bliss and myself and Representative Glynn were all approached by a gentleman who is a trustee of the Portland Water District representing the City of South Portland who asked us not to support this piece basically because what it will do is strip South Portland of its representative on the Board of Trustees for the Water District. We happen to be perhaps the largest consumer of water coming out of Sebago Lake and there are some personality issues on the board, yet I ramble on for great length, so I just ask that you follow our light and not support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say just one thing, the population of the district that Portland Water District covers is changing. The request by the district is to have representatives more evenly matched. South Portland is not being ripped of its representative. He or she will now have to share that with, I believe, the City of Cape Elizabeth. I would ask you to please vote in favor of this. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. If you remember last session, we passed a bill to allow Raymond into the Portland Water District to run a pipe from Windham into Raymond. When we allowed Raymond into the water district, you brought on another 4,300 people into the water district. You now have to reconfigure the redistricting of the water district and whom those people represent. That vote will take affect, I believe, in June of this year. That is why it is an emergency. That is all that this bill does. It just says that we need to really look at who the representatives are and how many people they represent because we added another town into the district. I would appreciate your vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. This bill was brought forward to us based on changes

in the population amongst the other towns in the district based on the census reports. Reapportionment is a matter of enforcing the principle of one person, one vote. It is not a question of personalities. It is not a question of politics. This is reapportionment so that the enforcement of the principle of one person one vote. That is all this is. I would appreciate your support for it. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I agree with much of what has been said by the previous speakers that reapportionment should not be a matter of politics and in fact, it should be a matter of the census. I also agree that reapportionment is in order. However, having looked at the district plan and having heard numerous feedbacks from both people in the South Portland community along with people on the water district trustees that are affected by the decision. This is not seen as a fair distribution and in fact, it seemed to very unfair and one that does seem prejudicial towards our community. I urge, as the other good Representative from South Portland, Representative Muse, urged the body to vote against this measure. I, too, urge you to vote against this measure.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 490**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dudley, Dugay, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, 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, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Bliss, Glynn, Jones, Mendros, Michael, Michaud, Tracy.

ABSENT - Bagley, Baker, Buck, Clark, Dorr, Duncan, Dunlap, Hall, Hawes, Kasprzak, Landry, Lemoine, Lovett, Lundeen, Perry, Skoglund, Smith, Thomas, Tuttle, Usher, Weston, Winsor.

Yes, 122; No, 7; Absent, 22; Excused, 0.

122 having voted in the affirmative and 7 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**Acts**

- An Act to Improve Maine's Jail Diversion Programs (H.P. 191) (L.D. 202) (C. "A" H-829)
- An Act to Hold the Bureau of General Services Accountable for Services Provided for School Construction Projects (H.P. 373) (L.D. 475) (C. "A" H-814)
- An Act to Allow Municipalities to Create Capital Improvement Districts (H.P. 441) (L.D. 562) (C. "A" H-822)
- An Act to Strengthen the Habitual Offender Law (S.P. 653) (L.D. 1832) (C. "A" S-409; H. "B" H-816)
- An Act to Reduce Identity Theft by Regulating Electronically Printed Credit Card and Debit Card Receipts (S.P. 678) (L.D. 1880) (C. "A" S-426)
- An Act to Permit the Town of Atkinson to Deorganize (S.P. 707) (L.D. 1909) (C. "A" S-437)
- An Act to Amend the Civil Service Law with Respect to Veterans' Preference (S.P. 713) (L.D. 1915)
- An Act Regarding Provisional Certification for Teachers and Administrators (H.P. 1517) (L.D. 2021) (C. "A" H-815)

An Act to Abolish the Educational Leave Advisory Board (H.P. 1616) (L.D. 2115)  
 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 Examine the Doctorate-level Educational Opportunities Available Through the University of Maine System (H.P. 414) (L.D. 535) (C. "A" H-813)

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

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

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 Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax (S.P. 242) (L.D. 810) (H. "A" H-824 to C. "A" S-407)

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 Support Family Farms

(S.P. 463) (L.D. 1516)  
(C. "A" S-424)

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.

---

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.

**SENATE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (S-415) - Minority (3) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT** 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)

- In Senate, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

**TABLED - February 26, 2002 (Till Later Today)** by Representative McDONOUGH of Portland.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

On motion of Representative McDONOUGH of Portland, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

---

Bill "An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative"

(H.P. 1642) (L.D. 2145)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

**TABLED - February 28, 2002 (Till Later Today)** by Representative ETNIER of Harpswell.

**PENDING - REFERENCE.**

On motion of Representative RICHARD of Madison, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

---

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

---

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

**SENATE PAPERS**

Bill "An Act to Facilitate Water Well Drilling if Necessitated by Current Conditions" (EMERGENCY)

(S.P. 795) (L.D. 2150)

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

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

---

Bill "An Act Providing for the Supply of Water to the City of Brewer"

(S.P. 794) (L.D. 2147)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

---

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

---

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

**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.

Expression of Legislative Sentiment in Memory of Rosemary K. Baldacci, Bangor

(HLS 958)

**TABLED - February 28, 2002 (Till Later Today)** by Representative ETNIER of Harpswell.

**PENDING - ADOPTION.**

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

---

**SENATE DIVIDED REPORT - Majority (12) Ought to Pass - Minority (1) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices"

(S.P. 688) (L.D. 1890)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**TABLED - February 26, 2002 (Till Later Today)** by Representative TUTTLE of Sanford.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Representative CHIZMAR of Lisbon moved that the House accept the Majority **Ought to Pass** Report.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. The bill before you now would repeal a bill that I introduced in the previous session that became law. I think it is appropriate that I speak now about my thoughts on both the bill before you and the law it would repeal. First of all, what the law does. The law makes confidential complaints filed with the Ethics Commission within 10 days before an election and contrary to what you may have read about the law, it doesn't keep very much secret, however, because under this law when a complaint is filed with the Ethics Commission, the complainant is free to send a copy to the media and the media is free to publish the complain.

The confidentiality provision applies to the Ethics Commission staff who may not disclose whether they have received the complaint or whether the commission will investigate it. The law simply denies complaints filed at the 11<sup>th</sup> hour a certain level of legitimacy, unless, of course, the complaint is resolved by the Ethics Commission before the election, in which case full disclosure of their findings must be made. My concern in introducing the bill was that some may have been trying to use the complaint process for political purposes and to smear an opponent when there was little time for the Ethics Commission to investigate the charges.

Before introducing the bill, I conducted research on the issue and found that statutes in several states contained provisions requiring that complaints filed with the Ethics Commission be kept confidential. In fact, our own conflict of interest laws, Title 1, MRSA, Section 1013, to be specific, requires that confidentiality be maintained until a finding is made. If my bill brought to the forefront the issue of last minute complaints, I feel good about it. Very soon after it was passed during the previous session, the Legal and Veterans Affairs Committee decided to tackle the issue of last minute complaints head on. They introduced legislation that according to my understanding requires the Ethics Commission to resolve complaints received in the final weeks before an election within 24 hours of receiving the complaint. The law was enacted last year shortly after the enactment of my bill. While I am somewhat concerned about the burden it may place on the commission as someone who fought long and hard to strengthen Maine's disclosure laws, I applaud the committee for its action and I think the law deserves a chance to work. Because of it when a last minute complaint is filed, the matter will be resolved expeditiously and the public fully apprised of the results of the commissions findings before an election, except in very rare cases.

Thanks to the work of the Legal and Veterans Affairs Committee, our disclosure laws are stronger now than ever before and the beneficiaries will be Maine people. In fact, because of that law, a confidentiality provision now seems superfluous. Therefore, I urge you to support the Ought to Pass report. While I think this bill may have served a useful purpose, the may have served a useful purpose by itself, it really isn't needed now with the 24 hour rule. I do want to clarify, however, that in my view, this bill does little to enhance disclosure. The Legal and Veterans Affairs Committee already did that last year with a very creative solution.

In closing, let me say that I would hope that all of us in this body and in the other body will reflect on the debate and what precipitated it and then reflect on the values of fair play so important to Maine people and what we can do to honor those values during this election year. Thank you.

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** in concurrence.

---

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

---

Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"

(H.P. 827) (L.D. 1081)

- In House, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** on January 25, 2002.

- In Senate, Majority (8) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

TABLED - February 12, 2002 (Till Later Today) by Representative **POVICH** of Ellsworth.

PENDING - **FURTHER CONSIDERATION**.

Representative **SAXL** of Portland moved that the House **RECEDE AND CONCUR**.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative **Mitchell**.

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. I would urge you to vote against the motion so we can stick with our earlier action where we pretty resoundingly defeated this bill. As a short refresher, it is entering us into an interstate compact on probation and parole. Some of the problems I had with it, as I mentioned last time, were the fact that this commission has the right to create rules that will supercede Maine law. Granted if Maine joins now, Maine will have one vote on the Rules Formation Committee, which will have one representative from each of the states, but it is interesting that the people who came up and talked about this bill, we had some of the drafters come and speak to us about it, but they remembered it will have lots of voices. While there may be one voice from several of the states, all these voices are corrections voices. I am not so sure that you are going to get the best result with that. I would just urge us to stick with our earlier motion and defeat this motion. Thanks.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative **Povich**.

Representative **POVICH**: Mr. Speaker; Men and Women of the House. Why must there be an effective interstate supervision? Public protection. As an effect of interstate compact, there are no nationwide controls on the movement of state and local probationers and parolees. Please consider the following. States reported that in 1997 that over 115,000 adult offenders had been transferred from one state to another. It was estimated that an equal number of offenders were authorized to travel across the state lines for various reasons. Therefore, five years ago a reasonable estimate of the number of adult probationers and parolees living or traveling in states other than where they were convicted approached a quarter of a million.

Public trust and confidence, please consider this. Managing offender populations is becoming increasingly complex. State and local governments are passing measures dealing with special offender and high-risk groups such as registration of sex offenders and notification to victims regarding offender locations. Probation and parole must be able to satisfy compliance requirements, track the location of offenders, expeditiously transferring supervision authority and where necessary return offenders to the originating jurisdictions.

The people of Maine, ladies and gentlemen, and their law enforcement organizations need to know which high-risk offenders, which sex offenders are living in our state who are traveling through our state. This updated compact will provide an extraordinary benefit to law enforcement. Please support the pending motion of **Recede and Concur**. I thank you very much. Furthermore, Mr. Speaker, I would request the yeas and nays.

Representative **POVICH** of Ellsworth **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I agree with a lot of what the last speaker said. However, I still have some problems with this piece of legislation like I did last time. I think this commission has rules that can supercede Maine laws, as was said before.

I think the last time in the debate the good Representative from Bridgewater mentioned that the commission would have a power to fine the State of Maine, which means the taxpayers would be paying that fine. Is that still part of this legislation?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to attempt to answer that question. As of yet, no fines have been assessed because the rules haven't been made. I hope that we can allay any fears that members may continue to have. Last week after the debate we had a member from the National Institute of Corrections and also a member from the Council of State Governments come up and speak to the Criminal Justice Committee and any others that may be interested. I even learned, this is my bill, several interesting points that I feel are very important in this debate. People have expressed concern about the federal government, the federal government usurping state's rolls in state laws.

By the way, we are involved in this state compact already. We are involved in a compact. We go to the conference. We are involved in a compact that has been in existence since 1937. The reason that the Council of State Governments and the states decided to get together and needed to update this compact was because a few years ago, I believe three or four years ago, the federal government was going to do this. They wanted to make it federalized. In order to stop the federal government from taking over it, the states banded together and said that we will do something together as a compact. That is how this came to be. Despite what some members have stated in debate earlier, this compact will have nothing to do with our probationers within the state, our probationers that stay within this state are under our jurisdiction, under our laws and no interstate compact can change that. It only deals with the probationers that cross state lines or parolees or probationers from other states that come into our state. Right now there are 25 states that have adopted it and 16 are considering it. When 35 states in all have enacted it, then it will convene. The group will get together and convene. If Maine is not one of those, we will not be involved and we will not have a vote. We will not have a say. We won't be part of it.

The question earlier was how do we get out of this? We get out of it the same way we got into it. If we vote to get into it, then we vote to get out of it. I hope that that answers all your questions. I strongly urge you to get on the bandwagon and vote to Recede and Concur. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I urge you to vote to Recede and Concur. To follow what Representative O'Brien has just said, we are currently under an interstate compact. Our associate commissioner of community corrections is our voting member on that compact that started in 1930. Each state has a vote. They make rules that supercede our state rules. We are currently under a compact. This is updating the compact. We will be under a new group. We will probably have the same member, which will be our

associate commissioner of Community Corrections. They will be our vote. Each state has a vote. They will make rules to govern the new corrections compact or interstate compact. The idea that we are starting something that is different than what we have now is not correct. Some of the rules may be different because the world is a different place than it was in 1930, but the idea of rules superceding state rules, it is the same as it is now. We already have that issue and it has worked fine. We just need to update it. I would urge you to vote to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Ladies and Gentlemen of the House. The short answer to the question to Representative Waterhouse is yes. This compact can assess penalties to states who don't live up to their obligations. They also can assess money to cover the cost of the compact. I don't believe anything has changed. I haven't seen any new amendments to this bill. I would urge you to vote against the pending motion.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. Six hundred sex crimes in Kennebec County in 1998. Sex crimes in Maine and in America are on a rampage. This is a matter of public safety. We had, as I mentioned the last time I got up on the floor regarding this bill, a pedophile move into my district and after a period of months families in the neighborhood had a visit from the Penobscot County Sheriff's Office explaining to them about this pedophile who was in their neighborhood.

Don't let the rules and regulations cloud the real issue. The real issue is public safety. I encourage you to vote for the pending motion. Thank you Mr. Speaker.

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 ask that you, as we did last time this was before us, vote against the Recede and Concur motion. I want to tell you several reasons why I believe that it is not a good idea for us to go forward. One of them is that there is, in fact, a compact in existence right now, but there is a very, very important difference between the existing compact and the new compact that would be formed. The existing compact does not have the right to override current state law. This compact would. Secondly, and more importantly, this compact, if it passed, would require that the State of Maine give up its right to make any legislation with regard to the interstate flow of probationers or parolees. We also would have one vote on this compact and the compact would have the ability to be able to incur financial obligations for the State of Maine. Those that say we would have an easy ability to get out with a single vote the same way we got in, need to also tell you that when we get out, we are still on the hook for whatever financial obligation that was incurred while we were a member. There are financial obligations being made where we have one vote out of 50 or more. We will be saddled with that financial responsibility forever.

The important thing, as far as I am concerned, is the ability of a state to be able to decide its own destiny with regard to legislation. I don't think that it is an appropriate idea for us to give that ability up under any circumstances to any national group of which we only have one vote. I would urge you to join with the good Representative from Vassalboro, Representative Mitchell, myself and others as we vote against the Recede and Concur motion.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I respect the good Representative from Wilton and I couldn't disagree with him more in his priorities. The priority is by the simple fact that a sexual predator on probation or parole in California can get on a plane, announce his intentions that he is moving to the State of Maine to the State Department of Corrections in California and in four hours he is in Maine and six weeks later, his file will arrive. Mr. Speaker, these are the priorities. It is the utmost importance to Maine's public safety to join this compact. Please support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I apologize getting up twice. It may take three times. I wanted to just correct a few items which we had corrected for us when we had the people from the National Institute of Corrections. We asked them to come back and talk with us because there were concerns. We wanted to answer them and make sure that we knew the answers correctly. If we are in this compact and the State of Maine decides that we don't like the rules and we want to get out, it takes a piece of legislation, the House and Senate vote and we are out. It is correct that the money that we had put in as our dues or whatever you want to call it to that point would still be with the compact. We would not be on the hook in the years going out. If Maine decided to not be part of the compact, we would not be part of the expenses of the compact. If we choose to be part of the compact and we decide to get out, we will not continue to pay for the compact.

The other thing that I would like to address is that if 35 states ratify this compact, it becomes the interstate compact. It replaces the one we have. They make rules and this is what will govern interstate compacts. If Maine and a couple of other states decided not to join the compact, that is our right, but we would then not have an agreement with 35 or more states in this country, which means that any probationer coming here from those states would be coming with no agreement from that state. That is a pretty scary prospect.

I do hope you will vote to Recede and Concur. We have a very mobile society and it is very important that we know where probation people are.

The third point, it has to do with the fines. At the moment, the answer to the fine is that there are no fines because there is no compact. The compact could decide with our vote, hopefully, that it would levy some fines because if you have a compact, you have to have the members uphold their part of the bargain. We don't want to have a compact with California and then find out that California is sending their probationers our way without letting us know. There has to be a bit of a stick any time you are part of a compact. The fact of the matter is that there could be fines in the future. We don't know that now. They would be to our benefit as well as our detriment if we don't go along with the compact if we are member, because we want the members of the compact to do what they said they were going to do, otherwise it won't work.

I do hope you will vote to Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I would like to thank Representative LaVerdiere for pointing out so glaringly why we need to Recede and Concur on this piece of legislation. The fact of the matter is there is some confusion out there about what this compact does, doesn't do,

whether we belong to one now and what that can and can't do. The facts are that we belong to a compact now, but they have no clout whatsoever, because the rules for that compact were written in a day and time when the rules were adequate for them for that day and time. They are not adequate anymore.

A wonderful example of that came up when a gentleman in Connecticut was on probation and was transferred by the courts out to the Midwest to participate in a program. He was housed in a halfway house where he messed up. He messed up again and he messed up a third time and they finally called him into the office and said they were going to send him back to Connecticut. The unfortunate thing is, Connecticut's Department of Probation and Parole never got the information out to the Midwest to let them know that this gentleman had a violent sexual history. When they told him that we were kicking him out of the program, come back in three hours and we will have your bus ticket to send you back home. He said fine and he left the office. He went back upstairs and packed his stuff. He walked down the street with a few hours to kill. He broke into a home where he repeatedly raped a woman that lived there and then stabbed her in excess of 100 times. He walked back, got on the bus and went home to Connecticut.

There is no communication as the compact stands between existing states. I shutter to think what the cost is to the State of Connecticut when all is said and done with this case. The check probably isn't big enough to hold the number and we want to worry about having to pay the rest of our yearly dues if we opt out. I think that should be the very least of our worries, which is all that we will be required to pay, should we opt out. We are not on the hook for all of eternity. That is wrong. The attorneys that are here from the United States Justice Department and from the Council of State Governments, who wrote the bill, told us that. It is very clear.

The last thing that I would like to point out is it was brought up that we should oppose this and fight it because it is just corrections people that are involved in it. Folks, it is corrections people who monitor people who are on probation and parole. I wish that somebody could explain to me why that is a bad thing. Should we have somebody from the Plumbers Union sit on this board? I think not. They are the ones who are responsible for these individuals now. They are the ones, if you look at the handout that was given to us, it wasn't just corrections people that wrote this. A planning group that considered various options and recommended a course of action, a drafting group that offered the proposed revision. Each group was comprised of state corrections directors, state and local parole and probation executives, compact administrators, victims' representatives. The drafting group added a legislator, court system administrator and state attorney general's representatives. They had the butcher, the baker and the candlestick maker who were involved in drafting this bill. This is a solid piece of legislation. We brought the authors in to answer all of the questions. I am sorry that more people couldn't have been there or people who were there didn't ask the questions that they had if they had concerns, why they didn't ask the authors of the bill in the first place. I hope that we will follow Representative Povich's light on this. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. There was an opportunity to ask questions of the drafters and questions were asked. Just having your questions answered doesn't mean you change your opinions on the merits of a bill. My other sort of short thought on this is that I am wary of any bill where the proponents advocate how easy it is to get out

of it. I think if this is a really great idea and the committee comes up with a good bill, it is a lot easier to wait and see, kind of a look before you heap attitude on this one. I would still urge you to vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you today to seriously consider voting to Recede and Concur. I have to apologize. I know the good Representative Muse reported this horrific problem that happened to a parolee that had come into Connecticut, but, guess what? That is the nature of the beast we are dealing with. We are dealing with very, very dangerous sexual predators that act on impulse, instantaneously. Sometimes they don't even plan to murder, to rape and to kill people. It just comes out of the blue. This is one piece of legislation that might save your mother, your sister or perhaps your brother from the same brutal death that this poor woman met.

I am not going to tell you that it is 100 percent foolproof. We don't know that, but 25 states have opted to go into this interstate compact because we have to, along with the other 25 states, take a grip on what is happening to our people in our state. People can get on a plane like was said before. They can come to Maine in four hours and nobody knows they are here for six weeks. How many people have to be assaulted in that six weeks time before we put a lid on it. Maine has, as a lot of other states, entered into an interstate compact with law enforcement through the organization. All of your towns pay large amounts of dues to belong to that, to keep communication open. This is another form of communication that deals with the most deadly type of predator. Sexual predators without a conscience to guide them. They are a predator because they have no conscience. I urge you to vote to Recede and Concur on this bill and let's take a bold step and bring this problem under control.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

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

The SPEAKER: The Representative may pose his question.

Representative **CARR**: Mr. Speaker, Men and Women of the House. Since 1930 we have had an agreement with other states and we have still had people traveling from one state to another and committing crimes. Advocates of this bill say that this will increase communications. I am just wondering how the new communications is going to stop that. I would be interested in details of that. Thank you.

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. The way that this will answer that is because it will set up a central agency. That is what our money will pay for. It will be a central agency who the courts will then communicate with when somebody is put on probation, when somebody is transferred from one state to another. For example, and somebody had asked me a question, what would have stopped that gentleman from going down the street and raping that woman and killing her? What would have stopped him was the simple fact that this state that received this individual had no idea that he was on probation. There is no notification. This organization will have the authority, have all of the information to then share with the receiving states that somebody is coming into their state, what their history is and what the rules and regs are with their probation. It is very simple. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. What this is a super agency. Right now there are 25 states that are agreeing to join it. Once they get 35, then they will put the compact into affect. We would have only one vote and any rules would be mutually agreed to. However, remember that the cost for us to join this interstate compact will be born by the rules that they come up with for staff, resources and other things like that. This year is not the time for us to think about joining this, with these rules applying to us in the State of Maine. I am not going to go into a lot of sad sorry stories. What this is is very clear. If we want to go into this super compact and pay this amount of money, fine, but I think there could be something else done that would be less costly and less binding. Let us go along with the good Representative from Damariscotta and vote no.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I will be very brief. There is no fiscal note on this bill at this point. Also, for those of you who are concerned that we join a super agency compact, we received a piece of information at this briefing the other day. Maine is part of 26 compacts. Some are national, probably half and half are regional. They include the interstate compact on juveniles, the interstate driver's license compact, the tri-state lotto compact and I won't go on. As has been said before, in my opinion and I hope yours, there is no more higher priority than public safety. I thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I rise in support of the Recede and Concur motion and I will tell you briefly why. All of you, as I did, went through one of the toughest debates in this chamber on fingerprinting of school personnel. We all know the long hours that we spent discussing it. The main theme during that discussion was that we had to do this because we weren't keeping good enough track of pedophiles. The reason that I support this piece of legislation is that it moves us a step away from that type of law where you regulate law abiding innocent citizens with an infringement upon their individual rights. You move away from that with this type of compact to keeping track of law breakers, pedophiles and making them meet the laws of this country and this state, not the other way around. I stand in support of the Recede and Concur motion and I ask this chamber to do so. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I have been listening with interest to this debate and I have been reading the compact that is proposed before us and neither the debate nor the law gives me much comfort. I cannot understand how we can feel safe by giving up our state sovereignty in such a way. It seems that we are willing to throw out our state's right to enact its laws and do what it does within its borders in the name of safety and turn that responsibility over to a group of unelected bureaucrats. As I read this compact, and I urge anybody who hasn't read it to do it, the commissioners meet and create rules and regulations which are binding on everybody. It says, in fact, that the compact does not prevent the enforcement of any other law of the compacting state that is inconsistent with the compact. All compacting state's laws conflicting with this compact are superseded to the extent of the compact. It goes on and on and on and, in fact, requires binding arbitration if there is a dispute among member states in the

compact. In fact, it says that the interstate commission may by majority vote of the members initiate legal action in the United State District Court for the District of Columbia at the discretion of the interstate commission. If you are a sovereign state and you lose, you pay the bill, including attorney fees.

Safety is a really important thing. I think we should be safe. We also shouldn't give up our freedoms, rights and responsibilities in this way. Frankly, I will vote against the pending motion and will hope that I have an opportunity to adhere to our earlier vote.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. I don't really feel comfortable voting for this bill. I think people have expressed legitimate concerns about our surrendering certain sovereignties to a federal like bureaucracy. It is not technically federal, but it is a collection of multiple states. People say that we can always get out of this, but we can't always get out of it. We don't know what the makeup of this body is going to be. The next election there will be new people. We don't know what the makeup of the other body is going to be. There are going to be new people. We don't even know what party is going to be in control next year. We are going to have a new Chief Executive next year. We don't know who exactly that will be, what their disposition will be like and following sessions we don't know any of those variables either, so you can't just get out. You have to have a vote of this body and we have to be in agreement with the other body and you have to hope that you have a Chief Executive that agrees with you, otherwise you need two-thirds from both bodies. In the absence of there being a sunset clause on this legislation, which would then require an affirmative vote to stay in, I think it is a dangerous proposition. I think we should vote against the Recede and Concur motion, stick with our vote that we previously took and hold out for a sunset clause for those of you who are on the fence and maybe then we could look at this thing again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I certainly don't want to prolong this debate any further, but I have been listening and sitting here and being quiet, which is unusual for me, don't you think? I have got to say that I have to be very, very firm about this. This interstate compact does not sell out our state sovereignty. If it did, I would not support this bill. It absolutely does not give up the state sovereignty. It absolutely does not have anything to do with laws regarding offenders within this state. It only has to do with lawbreakers from state to state. Please remember that when you cast your vote. I ask you to be in support of the Recede and Concur. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 491

YEA - Andrews, Annis, Ash, Berry DP, Blanchette, Bowles, Brannigan, Bruno, Bumps, Bunker, Canavan, Chase, Clough, Collins, Cote, Daigle, Desmond, Dunlap, Duprey, Estes, Fisher, Fuller, Gagne, Glynn, Hatch, Heidrich, Kane, Labrecque, Ledwin, Lessard, MacDougall, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McKee, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse C, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rosen, Schneider, Shields, Snowe-Mello, Sullivan, Tarazewich, Tessier, Tobin J, Trahan, Treadwell, Mr. Speaker.

NAY - Belanger, Berry RL, Bliss, Bouffard, Bryant, Buck, Bull, Carr, Chick, Chizmar, Colwell, Cowger, Cressey, Cummings, Davis, Dudley, Dugay, Duplessie, Etnier, Foster, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Mailhot, McGowan, McLaughlin, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perkins, Pinkham, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Stedman, Tobin D, Tracy, Twomey, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Brooks, Clark, Crabtree, Dorr, Duncan, Hawes, Kasprzak, Landry, Lemoine, Lovett, Lundeen, McGlocklin, Muse K, Perry, Thomas, Tuttle, Usher, Weston.

Yes, 65; No, 66; Absent, 20; Excused, 0.

65 having voted in the affirmative and 66 voted in the negative, with 20 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE. ORDERED SENT FORTHWITH.**

---

HOUSE DIVIDED REPORT – Majority (9) **Ought Not to Pass** – Minority (4) **Ought to Pass** – Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide funding for the Advisory Commission on Women Veterans"

(H.P. 1532) (L.D. 2035)

TABLED – January 25, 2002 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING – **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative BERRY of Livermore, the Minority **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**.

Representative BERRY of Livermore **PRESENTED House Amendment "A" (H-828)**, which was **READ** by the Clerk.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I present this amendment to hopefully bring something that will bring unanimous support of this body. It replaces the bill with the Resolve. It requires the Commissioner of Defense, Veterans and Emergency Management to review the report of the Advisory Commission on Women Veterans and develop a plan to meet the needs identified including outreach activities to contact women veterans within the state to explain benefits available to them. They shall start these outreach activities. That is part of the important pieces of this amendment. It looks at the work that has been done. It requires the department to do the outreach work, to begin the outreach work, which many of us on the Appropriations Committee felt that they should be doing anyway as part of their mission. I hope that you will support the adoption of this amendment. Thank you.

**House Amendment "A" (H-828) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-828)** 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 Fort Kent, Representative Michaud who wishes to address the House on the record.

Representative **MICHAUD**: Mr. Speaker, Men and Women of the House. On Item 10-5 this morning I had voted in the affirmative and in shuffling my papers I inadvertently pushed my red button. I was not able to transfer it until you closed it. I wish to be recorded in the affirmative. Thank you.

---

On motion of Representative **BUCK** of Yarmouth, the House adjourned at 12:32 p.m., until 9:00 a.m., Tuesday, March 5, 2002 in honor and lasting tribute to Rosemary K. Baldacci, of Bangor.